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**TRAFFORD  
COUNCIL**

## **AGENDA PAPERS FOR PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE**

**Date: Thursday, 12 October 2023**

**Time: 6.30 pm**

**Place: Committee Suite, Trafford Town Hall, Talbot Road, Stretford, Manchester  
M32 0TH**

PLEASE NOTE: A link to the meeting can be found below:

<https://www.youtube.com/channel/UCjwb1OW5x0NSe38sgFU8bKg>

<b>AGENDA</b>	<b>ITEM</b>
<b>1. ATTENDANCES</b>	
To note attendances, including Officers and any apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
Members to give notice of any Personal or Prejudicial Interest and the nature of that Interest relating to any item on the Agenda in accordance with the adopted Code of Conduct.	
<b>3. MINUTES</b>	
To receive and, if so determined, to approve as a correct record the Minutes of the meeting held on 14 <sup>th</sup> September, 2023.	<b>3</b>
<b>4. QUESTIONS FROM MEMBERS OF THE PUBLIC</b>	
A maximum of 15 minutes will be allocated to public questions submitted in writing to Democratic Services (democratic.services@trafford.gov.uk) by 4pm on the working day prior to the meeting. Questions must be within the remit of the Committee or be relevant to items appearing on the agenda and will be submitted in the order in which they were received.	

**5. ADDITIONAL INFORMATION REPORT**

To consider a report of the Head of Planning and Development, to be tabled at the meeting.

**6. APPLICATIONS FOR PERMISSION TO DEVELOP ETC**

To consider the attached reports of the Head of Planning and Development, for the following applications.

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<b>Applications for Planning Permission</b>	
<b>Application</b>	<b>Site Address/Location of Development</b>
<a href="#"><u>104225</u></a>	Bow Green Farm, Bow Lane, Bowdon WA14 3BX
<a href="#"><u>106995</u></a>	Bow Green Farm, Bow Lane, Bowdon, WA14 3BX
<a href="#"><u>109337</u></a>	160 Higher Road, Urmston M41 9BH
<a href="#"><u>110896</u></a>	177 Sylvan Avenue, Timperley WA15 6AE
<a href="#"><u>111137</u></a>	St Ambrose College, Hale Road, Hale Barns WA15 0HE
<a href="#"><u>111430</u></a>	1 Prestbury Avenue, Altrincham WA15 8HY
<a href="#"><u>111473</u></a>	30 Minehead Avenue, Flixton M41 6FD
<a href="#"><u>111687</u></a>	2 George Street, Altrincham WA14 1SG

**7. URGENT BUSINESS (IF ANY)**

Any other item or items which by reason of special circumstances (to be specified) the Chair of the meeting is of the opinion should be considered at this meeting as a matter of urgency.

**SARA TODD**

Chief Executive

Membership of the Committee

Councillors B.G. Winstanley (Chair), L. Walsh (Vice-Chair), Babar, M. Cordingley, Z.C. Deakin, P. Eckersley, W. Hassan, D. Jerrome, S. Maitland, M. Minnis, T. O'Brien, S. Procter and M.J. Taylor.

Further Information

For help, advice and information about this meeting please contact:

Michelle Cody, Governance Officer

Tel: 0161 912 2775

Email: [michelle.cody@trafford.gov.uk](mailto:michelle.cody@trafford.gov.uk)

This agenda was issued on **3<sup>rd</sup> October, 2023** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford, Manchester, M32 0TH

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# Agenda Item 3

## PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

14<sup>th</sup> SEPTEMBER, 2023

### PRESENT:

Councillor Winstanley (In the Chair),  
Councillors Acton (Substitute), Axford (Substitute), Babar, Deakin, Eckersley, Hassan,  
Jerrome, Maitland, Minnis, S. Procter, M. Taylor and Walsh.

In attendance: Head of Planning and Development (Ms. R. Coley),  
Head of Major Planning Projects (Mr. D. Pearson),  
Planning and Development Manager (West) (Mr. S. Day),  
Planning and Development Manager (East) (Ms. H. Milner),  
Principal Highways & Traffic Engineer (Amey) (Mr. G. Evenson),  
Solicitor (Planning & Highways) (Ms. C. Kefford),  
Senior Governance Officer (Mr. I. Cockill).

Also present: Councillor Whetton.

### APOLOGIES

Apologies for absence were received from Councillors Cordingley and O'Brien.

### 31. DECLARATIONS OF INTEREST

Councillor M. Taylor declared a Personal and Prejudicial Interest in Application 111217/FUL/23 (Oak Trees, Hawley Lane, Hale Barns), he did not disclose the nature of his interest; he confirmed that he would be leaving the room during consideration of this item.

Councillor Deakin declared a Personal and Prejudicial Interest in Application 111318/FUL/23 (Site of former EventCity, Barton Dock Road, Trafford Park), he did not disclose the nature of his interest; he confirmed that he would be leaving the room during consideration of this item.

### 32. MINUTES

RESOLVED: That the Minutes of the meeting held on 10<sup>th</sup> August, 2023, be approved as a correct record and signed by the Chair.

### 33. QUESTIONS FROM MEMBERS OF THE PUBLIC

No questions were submitted.

### 34. ADDITIONAL INFORMATION REPORT

The Head of Planning and Development submitted a report informing Members of additional information received regarding applications for planning permission to be determined by the Committee.

**Planning and Development Management Committee**  
**14<sup>th</sup> September, 2023**

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RESOLVED: That the report be received and noted.

**35. APPLICATIONS FOR PERMISSION TO DEVELOP ETC**

(a) Permission granted subject to standard conditions prescribed by statute, if any, and to any other conditions now determined

<u>Application No., Address or Site</u>	<u>Description</u>
110669/FUL/23 - 350 Flixton Road, Flixton.	Demolition of existing building and erection of 6 no. dwelling houses (Use Class C3), with associated car parking, landscaping and associated works.
111091/HHA/23 - 47 Riddings Road, Timperley.	Erection of a single storey front porch, two storey side and part single/part two storey rear extension.
[Note: Councillor M. Taylor declared a Personal and Prejudicial Interest in Application 111217/FUL/23 (below) and left the room during consideration of this item.]	
111217/FUL/23 - Oak Trees, Hawley Lane, Hale Barns.	Demolition of existing garage and erection of 1no. two-storey dwelling with associated landscaping.
111258/VAR/23 - McDonalds, Neary Way, Davyhulme.	Application for use of the site as a drive thru restaurant without compliance with condition 4 of planning permission 105637/FUL/21, to allow for extended hours of operation.
[Note: Councillor Deakin declared a Personal and Prejudicial Interest in Application 111318/FUL/23 (below) and left the room during consideration of this item.]	
111318/FUL/23 - Site of Former EventCity, Barton Dock Road, Trafford Park.	Development of a Wellbeing Resort including logistics hub, vehicular and pedestrian accesses, multi-storey car parking, hard and soft landscaping, public realm and associated infrastructure and engineering works and other ancillary development including removal of residual slab.
111494/HHA/23 - 9 Davenham Road, Sale.	Erection of first floor side extension.

**Planning and Development Management Committee**  
**14<sup>th</sup> September, 2023**

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(b) Permission refused for the reasons now determined

<u>Application No., Address or Site</u>	<u>Description</u>
108641/FUL/22 - 9 Bow Green Road, Bowdon.	Erection of a pair of semi-detached dwellings, together with retention of and external alterations to the existing detached dwelling.

[Note: Following the meeting Application 108641/FUL/22 (above) was withdrawn by the Applicant prior to the Decision Notice being issued.]

The meeting commenced at 6.30 pm and concluded at 8.53 pm.

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## **PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 12<sup>th</sup> OCTOBER 2023**

### **REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT**

#### **APPLICATIONS FOR PERMISSION TO DEVELOP, ETC.**

##### **PURPOSE**

To consider applications for planning permission and related matters to be determined by the Committee.

##### **RECOMMENDATIONS**

As set out in the individual reports attached. Planning conditions referenced in reports are substantially in the form in which they will appear in the decision notice. Correction of typographical errors and minor drafting revisions which do not alter the thrust or purpose of the condition may take place before the decision notice is issued.

##### **FINANCIAL IMPLICATIONS**

None unless specified in an individual report.

##### **STAFFING IMPLICATIONS**

None unless specified in an individual report.

##### **PROPERTY IMPLICATIONS**

None unless specified in an individual report.

Further information from: Planning Services

Proper Officer for the purposes of the L.G.A. 1972, s.100D (Background papers): Head of Planning and Development

Background Papers:

In preparing the reports on this agenda the following documents have been used:

1. The Trafford Local Plan: Core Strategy.
2. The GM Joint Waste Development Plan Document.
3. The GM Joint Minerals Development Plan Document.
4. The Revised Trafford Unitary Development Plan (2006).
5. Supplementary Planning Documents specifically referred to in the reports.
6. Government advice (National Planning Policy Framework, Circulars, practice guidance etc.).
7. The application file (as per the number at the head of each report).
8. The forms, plans, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
9. Any additional information specifically referred to in each report.

These Background Documents are available for inspection on the Council's website.

**TRAFFORD BOROUGH COUNCIL**

**PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE – 12<sup>th</sup> OCTOBER 2023**

**Report of the Head of Planning and Development**

**INDEX OF APPLICATIONS FOR PERMISSION TO DEVELOP etc. PLACED ON THE AGENDA FOR DECISION BY THE COMMITTEE**

<b>Applications for Planning Permission</b>				
<b>Application</b>	<b>Site Address/Location of Development</b>	<b>Ward</b>	<b>Page</b>	<b>Recommendation</b>
<a href="#">104225</a>	Bow Green Farm, Bow Lane Bowdon, WA14 3BX	Bowdon	1	Grant
<a href="#">106995</a>	Bow Green Farm, Bow Lane Bowdon, WA14 3BX	Bowdon	39	Grant
<a href="#">109337</a>	160 Higher Road Urmston, M41 9BH	Urmston	56	Grant
<a href="#">110896</a>	177 Sylvan Avenue Timperley, WA15 6AE	Timperley North	88	Grant
<a href="#">111137</a>	St Ambrose College, Hale Road, Hale Barns WA15 0HE	Hale Barns & Timperley South	99	Grant
<a href="#">111430</a>	1 Prestbury Avenue Altrincham, WA15 8HY	Altrincham	116	Grant
<a href="#">111473</a>	30 Minehead Avenue Flixton, M41 6FD	Flixton	126	Grant
<a href="#">111687</a>	2 George Street Altrincham, WA14 1SG	Altrincham	137	Grant

**Note:** This index is correct at the time of printing, but additional applications may be placed before the Committee for decision.

**WARD: Bowdon**

**104225/FUL/21**

**DEPARTURE: Yes**

**Change of use of the existing traditional agricultural building to create three residential units with associated external alterations (Use Class C3) with associated parking and amenity space following demolition of steel framed agricultural building, shed and car port.**

Bow Green Farm, Bow Lane, Bowdon, WA14 3BX

**APPLICANT:** The Church Commissioners for England

**AGENT:** Ms Sophie Watson, Savills (UK) Limited

**RECOMMENDATION: GRANT**

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**This application is being reported to the Planning and Development Management Committee because it has received eight letters of objection contrary to the Officer recommendation of approval.**

## **Executive Summary**

The application relates to a curtilage listed brick agricultural building and adjacent modern barn within the setting of a Grade II listed farm house and within the Green Belt. The applicant proposes to demolish the modern barn and a car port extension attached to the front of the brick agricultural building and convert the building into three dwellings, together with hard and soft landscaping works.

The proposal is considered to be acceptable in terms of Green Belt policy, falling within the exception in NPPF paragraph 150 d) (re-use of buildings of permanent and substantial construction) whilst preserving the openness of the Green Belt and therefore constituting appropriate development.

In terms of heritage impacts, it is considered that, as a result of the alterations to the buildings, the proposed development would result in some minor harm ('less than substantial' at the lower end of the scale in NPPF terms) to the special interest and the significance of the curtilage listed agricultural building and the setting of the adjacent Grade II listed farm house. Applying the test in NPPF paragraph 202, it is considered that the identified "less than substantial" harm would be outweighed by the public benefits of the development including bringing the building back into a viable use, the removal of the modern utilitarian structures to the front and side of the site, and the provision of three additional dwellings which could be used as family housing. The proposal would therefore comply with the heritage policies of the NPPF and Policies L7 and R1 of the Core Strategy. In terms of NPPF paragraph 11 d) i), there would be no clear reason for refusal of permission.

All other detailed matters have been assessed, including the proposal's housing, design, visual amenity, residential amenity, highway safety and ecology impacts. The proposal has been found to be acceptable with, where appropriate, specific mitigation secured by planning condition, and the proposal complies with the development plan when taken as a whole and policy in the NPPF in relation to these matters. In terms of paragraph 11 d) ii), it is considered that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting permission. It is therefore recommended that planning permission should be granted, subject to conditions.

## **SITE**

The application site comprises of a 0.14ha plot of land fronting the south-west corner of Bow Lane as it changes direction east to north. The central part of the site comprises of a vacant two storey T-shaped brick agricultural building erected at some point around the late 18<sup>th</sup> or early 19<sup>th</sup> Century and which has undergone subsequent internal and external changes during the course of the 20<sup>th</sup> Century. The front (north) of the building includes a single storey element with mono-pitch roof and a car port, the latter set to the side (east) of the single storey element within a yard area, together

with a further area of hard standing to the front of the single storey area. The remainder of the plot comprises of a large modern steel agricultural barn type building to the west and hard standing to the west and south. A further non-original rectangular agricultural building was previously attached to the rear elevation of the brick agricultural building, however this was levelled by a storm with the remains now removed.

The plot is bound by the remainder of the modern agricultural buildings to the south, Bow Green Farm to the east, a modern housing estate to the north-east and open land including fields to the remainder. The plot does not contain any boundary treatments apart from a hedge along part of its front boundary, together with a set of gates, these enclosing the front yard area.

A farm track which is also a Public Right of Way (footpath No. 18) runs west from the corner of Bow Lane past part of the plot's frontage.

The plot is set within the Green Belt at the southern edge of the Greater Manchester conurbation.

Bow Green Farm is Grade II listed. The brick agricultural building (including the utilitarian late 20<sup>th</sup> Century car port extension) is considered to be a curtilage listed building and part of the 'Bow Green Farmhouse' Grade II listed building under section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **PROPOSAL**

The applicant proposes to demolish the modern agricultural building to the west and the attached 20<sup>th</sup> Century car port, following which the main brick building would be converted into three dwellings.

Plot 1 would have an internal floor space of 166sqm and would comprise of a hall, study, cloakroom, WC, living room and kitchen-diner at ground floor; with four bedrooms (one en-suite) and a bathroom at first floor.

Plot 2 would have an internal floor space of 148sqm and would comprise of a hall, store room, WC, cloakroom, kitchen-diner and living room at ground floor; with three bedrooms (one en-suite), a study and a bathroom at first floor.

Plot 3 would be single storey and would have an internal floor space of 92sqm. It would comprise of a hall, store room, kitchen-diner-living room bathroom and three bedrooms (one en-suite).

The building's external elevations would be changed through the amendment/installation of replacement/new timber framed windows (including 2 No. two storey feature windows in the building's rear elevation) and timber doors; stone lintels; the replacement of the current roof covering over the single storey front element, the installation of a replacement wooden sliding door which would be fixed in place to this element's front elevation; and cast iron rainwater goods. Repairs would be carried out to the roof. Five conservation type roof lights would be added to the rear roof slope, with a further roof light added to the front roof slope.

The wider plot would be amended through the installation of hard and soft landscaping to the front (north), side (west) and rear of the plot, including a new gravel driveway running south into the plot from the farm track/PROW and leading to four parking spaces. The front hard standing would be replaced with soft landscaping, with a further three parking spaces and two parking spaces for the farmhouse accommodated in the front yard. Each plot would have a post and rail fence enclosed garden area, shed and bin store. The wider site would be enclosed by wooden post and rail fencing. The reused parking forecourt area would have manually operated replacement vehicle and pedestrian gates.

The applicant has also submitted a linked application reference 106995/LBC/22 for those parts of the proposed development which would require listed building consent and which is elsewhere on this agenda.

### **Value Added**

Following a request from Officers the applicant has amended their proposal including through reducing Plot 3 from a two storey to a single storey dwelling through removal of an originally proposed first floor level, amended the external elevations for example the positioning and design of windows and doors, added conservation rooflights to the rear roof slope to ensure an acceptable outlook for habitable rooms and amended the wider plot layout and materials.

### **DEVELOPMENT PLAN**

**For the purposes of this application the Development Plan in Trafford comprises:**

- The **Trafford Core Strategy**, adopted 25 January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19 June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the LDF. Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

### **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L1 - Land for New Houses;  
L2 - Meeting Housing Needs;  
L4 - Sustainable Transport and Accessibility;  
L5 – Climate Change;  
L7 - Design;  
L8 - Planning Obligations;  
W1 – Economy;  
R1 – Historic Environment;

R2 - Natural Environment;  
R3 – Green Infrastructure;  
R4 - Green Belt, Countryside and Other Protected Open Land.

## **OTHER LOCAL POLICY DOCUMENTS**

Revised SPD1 - Planning Obligations;  
SPD3- Parking Standards & Design;  
PG1 - New Residential Development;  
PG24 Crime and Security;  
Draft Trafford Design Code.

## **PROPOSALS MAP NOTATION**

Protection of Landscape Character;  
PROW;  
Green Belt;  
Areas of Special Landscape Value;  
Areas of Landscape Protection/CDA.

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

None.

## **PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK)**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in Public of the PfE Submission Plan and the timetabled hearings have now been completed. Given the advanced stage of PfE it now has substantial weight in the planning balance. The timing of this application means that it has not been appropriate/necessary to fully consider the PfE policies in the report, however a high level assessment has been undertaken and it is not considered that the PfE policies would have any significant implications for this application.

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The MHCLG published the revised National Planning Policy Framework (NPPF) in July 2021. The NPPF will be referred to as appropriate in the report.

## **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

The National Planning Practice Guidance was first published in March 2014, and it is regularly updated, with the most recent amendments made in June 2021. The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

106995/LBC/22: Listed Building Consent for change of use of existing traditional agricultural building to create 3 no. residential units with associated external alterations (Use Class C3) with associated parking and amenity space following demolition of the steel framed agricultural building, shed and car port. Pending.

H/58166: Demolition of stock yard and erection of milking parlour (revised siting). Approved 22 January 2004.

H/57077: Demolition of stock yard and erection of milking parlour. Approved 26 August 2003.

H34992: Erection of agricultural building for stock housing. Approved 29 April 1992.

H25484: Demolition of porch and erection of new porch. Approved 1 October 1987.

H24430: Demolition of porch and erection of new front porch. Refused 12 March 1987.

H08458: Erection of cattle shed. Approved 15 February 1979.

### **APPLICANT'S SUBMISSION**

The applicant has submitted Design and Access and Heritage Statements as well as a Green Belt Impact Assessment in support of their proposal.

### **CONSULTATIONS**

**LHA** – No objection subject to conditions.

**Trafford Waste** – No comment.

**Heritage Development Officer** – No objection subject to conditions. The proposal would result in minor harm.

**Greater Manchester Archaeology Advisory Service** – No objection subject to condition.

**GMEU** - No objection subject to conditions.

**Arboriculturist** – No objection.

**Environmental Health (Land Contamination)** - No objection subject to condition.

**LLFA** - No objection.

**Environmental Health (Nuisance)** - No objection subject to condition.



**GMP Design for Security** – No comment received.

**Peak and Northern Footpath Society** - No objection.

**Rambler's Association** - No comment received.

**Open Spaces Society** - No comment received.

## **REPRESENTATIONS**

Letters of objection have been received from eight neighbouring occupants to the originally advertised scheme, which raise the following issues:

- The submitted documents do not refer to the fact the proposed would result in the redevelopment of a Grade II listed building and that the proposals would be in accordance with listed building requirements.
- The proposal would adversely impact the setting of the listed building, Bow Green Farm.
- The proposal is poorly designed and would undermine the setting of the adjacent farm house.
- The proposal would result in an unacceptable overdevelopment of the plot.
- The proposal would result in an unacceptable green belt impact.
- Bow Lane's current poor state will be further undermined by construction vehicles.
- The site access is at a dangerous location at a bend in the road. The access should be moved elsewhere.
- Traffic turning into the site will result in congestion.
- No road used plan has been presented.
- Traffic would be forced to use the alternative Oakwood Road during construction works, further degrading this road which is already in a poor state.
- A concern that the construction traffic could have an unacceptable amenity / air quality impact on the occupiers of a nearby property resulting in an inability to use their garden and open windows. Construction vehicles should be limited to a certain type which should be pre-approved by the objector.
- The proposal would result in an unacceptable air pollution impact through the resulting additional car movements.
- Future occupants will have up to 12 diesel cars which again would result in an unacceptable amenity / air quality impact on a neighbour. Future occupants should be limited to electric vehicles through a restrictive covenant.
- Construction noise would result in an unacceptable impact on neighbouring occupants.
- The proposal would be in an inappropriate location immediately adjacent to a working farm and a water treatment plant.
- The building and wider setting is currently being used by rare wildlife. Insufficient information has been submitted explaining the proposal's ecological impacts. Planning permission should include a condition to ensure provision of replacement nesting and roosting sites, which must be effectively enforced.

- Bow Lane suffers from flooding which has not been noted in the submitted Environment Agency report.
- The submitted plans do not show the removal of the farm buildings and structures to the south of the plot. These will need to be removed to allow for a view.
- The adjacent farm buildings contain asbestos.
- The listed building has been vacant for some time which has resulted in it falling into disrepair.
- The applicant may intend to develop a wider area for housing, as per their consultation submission for the Structure Plan, with this being the first stage of a wider development which would result in an unacceptable traffic, pollution and local services impact.
- The LPA should require the applicant to confirm no further development of green belt land will take place in order to secure planning permission.
- The proposal is inconsistent with the Greater Manchester Structural Plan because no other green belt land in the local area has been released for development. Development of the application site will put pressure on surrounding land to be developed.
- The development would result in the retained farm being unviable due to objections from future residents to noise and health and safety, thereby resulting in pressure on the retained farm buildings to be developed.
- The applicant should clearly state its future intentions for its wider land which is set within the green belt.
- The applicant has not contacted local residents to advise of their proposals.
- The applicant should be making an effort to bring the site back into agricultural use rather than proposing inappropriate development.
- The submitted documents do not address the site's current rodent issue.

## **OBSERVATIONS**

### **THE DECISION MAKING FRAMEWORK**

1. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an *up to date* (emphasis added) development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2021 NPPF, particularly where that policy is not substantially changed from the 2012 version.
3. The NPPF is a material consideration in planning decisions as the Government's expression of planning policy and how this should be applied; it should be given significant weight in the decision making process.

4. Paragraph 11 d) of the NPPF indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
  - I. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
5. Policies relating to development within the green belt, the provision of housing, and those controlling the protection of heritage assets, design and amenity are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11.
6. The Council does not, at present, have a five year supply of immediately available housing land and thus the "tilted balance" in NPPF paragraph d) would apply. .
7. Policy R1 of the Core Strategy, relating to the historic environment, does not reflect case law or the tests of 'substantial' and 'less than substantial' harm in the NPPF. Thus, in respect of the determination of planning applications, Core Strategy Policy R1 is out of date. Although Policy R1 of the Core Strategy can be given limited weight, no less weight is to be given to the impact of the development on heritage assets as the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 are still engaged. Heritage policy in the NPPF can be given significant weight and is the appropriate means of determining the acceptability of the development in heritage terms.
8. Core Strategy Policy R4 relating to development within the Green Belt is compliant with the NPPF and therefore is considered to be up to date.
9. Core Strategy Policy L7 relating to design and amenity is considered to be compliant with the NPPF and therefore up to date as it comprises the local expression of the NPPF's emphasis on good design and, together with associated SPDs, the Borough's design code.
10. It is concluded elsewhere in this report that there are no protective policies in the NPPF which provide a clear reason for the refusing the development proposed. Paragraph 11(d) (ii) of the NPPF is therefore engaged.

## **PRINCIPLE OF DEVELOPMENT**

### **Green Belt Impact**

11. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence (paragraph 137). It sets out the

five purposes of Green Belt which are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and; to assist in urban regeneration, by encouraging the recycling of derelict and other urban land (paragraph 138). Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances' (paragraph 147). When considering any planning application, LPAs should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 148).

12. LPAs should regard the construction of new buildings as inappropriate within the Green Belt, exceptions to the policy include paragraph 149 c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
13. NPPF paragraph 150 states: Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are...d) the re-use of buildings provided that the buildings are of permanent and substantial construction.
14. Policy R4 of the Trafford Core Strategy states that the Council will protect the Green Belt from inappropriate development. It also states that new development in the Green Belt will only be permitted where it is for one of the appropriate purposes specified in national guidance, where the proposal does not prejudice the primary purpose of the Green Belt set out in national guidance by reason of its scale, siting, materials or design or where very special circumstances can be demonstrated in support of the proposal.
15. In terms of the exceptions listed in the NPPF, it is considered that paragraph 150 d) is the most relevant as the proposal would comprise the re-use of buildings that are of permanent and substantial construction. In assessing whether the proposed development would fall within this exception, it is also necessary to consider whether it would preserve the openness of the Green Belt. The courts have held that openness is capable of having both spatial and visual aspects – in other words, the visual impact of the development may be relevant as well as its volume.
16. The proposal would result in the reuse of the current agricultural building as three dwellings with no extensions added to the building and several external amendments in the form of new windows and doors. A substantial barn type building to the west, as well as a car port to the front, would be removed. Aside from the addition of garden sheds, external bicycle stores and post and rail fencing, the proposal would not result in any additional structures on site, with the volume/size of these additions markedly outweighed by the removed elements, particularly the removed barn type building. The proposal would therefore result in a significant reduction in the volume of buildings and structures on the site.
17. The site is prominent from Bow Lane and the adjacent public right of way but, given the removal of the large modern agricultural building, which is close to this site

frontage, it is considered that there would also clearly be a significantly reduced visual impact on the openness of the Green Belt, notwithstanding the addition of sheds and fencing and the potential for other domestic paraphernalia.

18. Officers therefore consider that, subject to a condition removing permitted development rights for future extensions and outbuildings, the proposal would comply with the requirements of paragraph 150 d) of the NPPF, and would acceptable preserve the openness of the Green Belt. It would also not conflict with the five purposes of the Green Belt.
19. The proposal is therefore considered to be appropriate development within the Green Belt.
20. The proposal would result in acceptable green belt impact with reference to Core Strategy Policy R4 and the relevant sections of the NPPF.

### **Housing Land**

21. The site is not identified within Trafford's SHLAA (Strategic Housing Land Availability Assessment). The plot is located in a semi-rural area at the southern edge of the wider Greater Manchester conurbation.
22. The proposal would result in the conversion of the current building into three dwellings which will be private market housing.
23. The Council can currently demonstrate a housing land supply within the range of 3.47 to 3.75 years, which is based on the standard method of calculating Local Housing Need and takes into account a 20% buffer applied for historic under delivery. The most recent Housing Delivery Test figure is 79% - i.e. Trafford has delivered 79% of its LHN (including 20% buffer) in the three years to March 2021.
24. The proposal is considered to be broadly in compliance with Core Strategy Policies L1 and L2. Thus the development would result in the redevelopment of the current site thereby complying with Policy L1.7 which sets an indicative target of 80% of new housing provision within the Borough to be built upon brownfield land.
25. Notwithstanding its semi-rural location it is noted that the application site is in a relatively sustainable location with a bus service running along Bow Lane, and within a relatively short distance to the services and amenities on Vicarage Lane to the north-east. Bollin Primary School is located approximately 400m to the north-east. It is therefore considered that the proposal will specifically make a positive contribution towards Strategic Objective SO1 in terms of meeting housing needs and promoting high quality housing in sustainable locations of a size, density and tenure to meet the needs of the community.
26. The development would result in the provision of three additional dwellings, contributing to the Borough's housing supply. The proposal would also acceptably comply with the requirements of Core Strategy Policy L2 through the development being located on a sufficiently sized plot, appropriately located to access existing community facilities, not harmful to local area character or amenity, and more

generally in accordance with Core Strategy Policy L7, as outlined in the design/amenity appraisals below, (L2.2). The development would also likely result in a small economic benefit during its construction phase. The dwellings could be used as family housing.

## Heritage

27. The application site comprises of a Grade II curtilage listed agricultural barn. The principal listed building is Bow Green Farm, Grade II listed, which is located to the east of the site. The other structures on site are not considered to be curtilage listed because they were erected after 1 July 1948. Curtilage listed buildings should in effect be treated as listed buildings in their own right for the purposes of planning decision making.
28. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 advises that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*
29. The Government has set out its planning policies for the historic environment and heritage assets in the NPPF and the accompanying Planning Practice Guidance. Both the NPPF and the PPG are a material consideration relevant to this application and, as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
30. Of relevance to the determination of this application is paragraph 195: *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.*
31. Paragraph 197 states that in determining applications, LPAs should take account of: *a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.*
32. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (NPPF paragraph 199). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (NPPF paragraph 200).

33. Where a development would lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (NPPF paragraph 202).
34. Policy R1 states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to Conservation Areas, listed buildings and other identified heritage assets.

#### The Significance of the Heritage Assets

35. Significance (for heritage policy) is defined in the NPPF as: *The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.*
36. The setting of a heritage asset is defined as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
37. The listing entry for the adjacent Grade II Bow Green Farm application site states:  
  
*Farmhouse. Late C18. Flemish bond brickwork with slate roof. The single-depth central-entrance plan has a similar parallel roofed range behind the right hand unit only. All 2-storey but for small lean-to. Central entrance has moulded surround and C20 door. On either side are window openings with cambered brick arches and stone sills which house paired sash-windows with glazing bars. The 2 first floor openings are similar except that the heads are flat. Gable stacks.*
38. The brick agricultural building at Bow Green Farm is considered to be a curtilage listed building and part of the 'Bow Green Farmhouse' Grade II listed building under section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Any object or structure fixed to the listed building, or any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948, is considered to form part of the listing. As such the front car port extension to the original agricultural building is considered to be curtilage listed, however the adjacent modern barn type building is not considered to be curtilage listed. Both of these elements would be removed to facilitate the development.
39. The curtilage listed brick agricultural building's heritage significance is because of its age, purpose, form, design and materials which reflects that of several other similar type historic ancillary farm buildings in the local area, these buildings demonstrating the area's historical development, together with the building's functional relationship

with the farmhouse and the aesthetic significance of the pair of buildings when viewed together.

### The Proposal and Impact on Significance

40. The application site comprises of a curtilage listed farm building and modern barn which are bound by a Grade II listed farmhouse, Bow Green Farm, to the east, utilitarian modern farm buildings to the south, a late 20<sup>th</sup> Century residential estate to the north-east, and fields to the north and west.

41. The following works are proposed:

- Convert the historic farm building to a residential use totalling three units;
- Demolish the modern barn and front car port;
- Internal and external works to the historic farm building to entail the amendment/installation of replacement/new timber framed windows (including 2 No. two storey feature windows in the building's rear elevation) and timber doors; stone lintels; the replacement of the current roof covering over the single storey front element and the installation of a wooden sliding door which would be fixed in place to this element's front elevation; and cast iron rainwater goods. Five conservation type roof lights would be added to the rear roof slope, with a further roof light added to the front roof slope. Repairs would be carried out to the roof.
- The wider plot would be altered through the installation of hard and soft landscaping to the front (north), side (west) and rear of the plot, including a new gravel driveway running south into the plot from the farm track and leading to four parking spaces.
- The front hard standing would be replaced with soft landscaping, with a further three parking spaces and two parking spaces for the farmhouse accommodated in the front yard.
- Each plot would have a fence enclosed garden area, shed and bin store. The wider site would be enclosed by wooden post and rail fencing.
- The shared parking area would have a replacement entrance gate.

42. Heritage Development Officer final comment:

*The plans have been revised which on the whole address the comments below including the treatment of openings, improved materials, removal of first floor to plot 3 and introduction of post and rail boundary treatment. There is still a lack of detail about how the repair, refurbishment and alteration of the listed building will be undertaken, however general principles are provided on the drawings. The introduction of double glazed units remains and the plans should be amended to remove the reference to this and secondary glazing proposed instead which will improve the energy efficiency of the listed building. It is agreed that further surveys, a schedule of detailed works and samples of materials can be conditioned.*

*There are no objections to the proposed development on heritage grounds. The proposal seeks to bring back into use this vacant listed building with some minor harm to the significance of the designated heritage asset.*

43. The GMAAS (archaeology) consultee has confirmed no objection subject to a standard condition.



44. The sensitive renovation and reuse of the historic agricultural building would help to protect its future status as a curtilage listed building.
45. The demolition of the utilitarian barn to the west and the 20<sup>th</sup> Century car port attached to the front of the building would be acceptable, notwithstanding the fact the car port is attached to the brick agricultural building and therefore curtilage listed, with these structures having no historical or architectural merit which merits their retention. Their removal would improve the site's visual impact.
46. The proposal would entail internal and external works to the retained historical brick agricultural building, for example through the installation of new timber windows and conservation type roof lights, the opening up of bricked up windows, and sub-division, these works resulting in the provision of three dwellings.
47. The proposed external works would be sympathetically designed for example through the use of timber heritage type windows and doors, and stone lintels. These amendments would be acceptable.
48. The installation of large two storey feature windows on the building's rear elevation, which would admittedly be a contemporary feature is nevertheless considered to be acceptable with reference to the fact that these openings would reinstate original historic openings at this point, the new windows having timber frames.
49. The installation of roof lights would not be an ideal design solution however this would be acceptable considering the fact that they are of a conservation type and would all be installed on the less sensitive rear roof slope, apart from a single roof light on the front roof slope.
50. The wider plot would be sensitively designed to include suitable rural type post and rail fencing.
51. The proposed materials in the form of timber windows and doors, cast iron rainwater goods and soil vent pipes and timber post and rail fencing would be acceptable at this sensitive heritage location.
52. These works would be acceptable with reference to the original building and its wider context including its impact on the setting of the adjacent Grade II listed building.
53. The proposed detailed design, external materials, canopy and flue details and detail of works to restore and preserve the original building will be subject to planning conditions to ensure an acceptable finish suitable for the development's sensitive location.
54. Officers accept the Heritage Development Officer's view that the proposal would result in less than substantial harm to the impacted curtilage listed building and the adjacent Grade II listed building as a result of the alterations to the buildings and the addition of sheds, cycle stores and parking areas, with this harm at the lower end of the scale as 'minor harm'.

## Heritage Conclusion

55. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. The analysis above has found that the proposed works would amount to 'less than substantial harm' to the subject of this application, a Grade II curtilage listed brick agricultural building and also the setting of the adjacent Grade II listed farm house, with this harm considered to be at the lower end of the scale of less than substantial harm as 'minor harm'.
56. Applying paragraph 202 it is considered that this minor harm would be outweighed by the public benefits of the productive reuse of a currently degrading building, the sensitive heritage restoration of the building which retains/restores its most important historic features, the removal of the current utilitarian and relatively untidy and run down elements to the front and side of the site, and the provision of three additional dwellings which could be used as family housing and would contribute to the Borough's housing supply. The proposed development is therefore considered to be acceptable in terms of its impact on the designated heritage assets.
57. The proposals have been considered against the statutory requirements of s66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Special regard and special attention has been paid to the impact on the heritage assets.
58. The proposals would result in less than substantial harm, as minor harm, to the special interest of the curtilage listed building and the setting of the adjacent listed building, with this minor harm clearly outweighed by the proposal's public benefits. It would therefore comply with the requirements of the NPPF tests, which in the absence of up-to-date development plan policy, is a primary material consideration. The proposal also complies with the adopted development plan policy. In NPPF Paragraph 11 d) i) terms, there is a no '*clear reason for refusal*' of these proposals.
59. The proposal is therefore considered to be acceptable in terms of heritage impacts with reference to Core Strategy Policy R1 and the policies in the NPPF. In making this assessment, great weight has been given to the desirability of protecting the character and appearance of the curtilage listed building and the adjacent listed building.

## **DESIGN**

60. Paragraph 126 of the NPPF states: *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*
61. Paragraph 134 states: *Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.*

62. Policy L7 of the Trafford Core Strategy states: *In relation to matters of design, development must: be appropriate in its context; make best use of opportunities to improve the character and quality of an area; enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, boundary treatment; and, make appropriate provision for open space, where appropriate, in accordance with Policy R5 of this Plan.*
63. Paragraph 2.3 of PG1. New Residential Development, states: *Opportunities for the conversion of existing buildings should be thoroughly explored and are encouraged by the Council, especially within established residential areas. Proposals for the conversion of property will need to take account of the requirements laid down in these guidelines.*
64. The National Design Guide was published by the Government in October 2019 and sets out how well-designed buildings and places rely on a number of key components and the manner in which they are put together. These include layout, form, scale, appearance, landscape, materials and detailing.
65. The Draft Trafford Design Code states: *The type, form and profile of a building has a dramatic effect on how it sits within its setting, and should seek to be complementary to the surroundings, particularly in historic environments. The rhythm and repetition of a group of houses on a street or around an open space can create a striking visual identity. Form is also important for the functionality of a building, with projecting elements in the facade or roof creating additional spaces or maximising light into a property [Type Form and Profile].*
66. *The plan and internal layout of houses should provide a high standard of living accommodation for their occupants in terms of size, layout and daylight. Rooms should provide adequate space for their intended purpose and be capable of adaptation to support the changing needs of their occupants [Plan and Layout].*
67. The converted building would be bound by a Grade II listed farmhouse to the east, 20<sup>th</sup> Century farm buildings to the south and a late 20<sup>th</sup> Century housing estate to the north-east. Therefore the site's context has a mixed character.

### **Siting and Footprint**

68. The proposed dwellings would be accommodated within the historic farm building. As such the proposal would not result in an overdevelopment of the plot or impact a building line.

### **Bulk, Scale, Massing and Height**

69. The proposal would not impact the historic building's bulk, scale, massing or height apart from through the removal of a non-original utilitarian car port, the removal of which would be acceptable. Officers therefore consider the development would have an acceptable visual impact in terms of its bulk, scale, massing and height with reference to the size of the plot and the surrounding context.

## **External Appearance/Materials**

70. The building's external elevations would be amended through the insertion of new doors and windows, including 2 No. two storey feature windows in the building's rear elevation (these to be installed in historic double floor openings), conservation type roof lights and a new sliding timber door feature at the single storey element's front elevation, the latter fixed in place and to reflect the original agricultural use of the building and referencing a sliding door currently in place at this elevation. These amendments are considered to be acceptably designed.
71. The facts the windows would be recessed and the proposed external materials, the latter including timber framed windows and timber doors and metal rainwater goods, are considered to be acceptable with reference to the development and its context. Planning permission would be subject to standard conditions requiring the submission of information relating to detailed design and materials, and would include a requirement that all doors and windows must be recessed by 100mm.

## **Wider Plot**

72. Officers consider the proposed hard and soft landscaping areas, including the post and rail enclosed gardens, and the conversion of hard landscaping to the front of the plot to soft landscaping, are acceptable with reference to the surrounding context. Planning permission would be subject to a standard landscaping condition.

## **Design and Crime**

73. The proposal would redevelop a currently vacant and relatively dilapidated building. The new houses would also introduce passive surveillance through the introduction of multiple windows, all of which would be of some benefit in terms of security.
74. The proposed communal parking area would be overlooked by neighbouring properties on three sides. It is therefore considered that the proposed development would be acceptable in this respect.
75. The development would be acceptably designed with reference to Core Strategy Policy L7, PG1 New Residential Development, the draft Trafford Design Code, National Design Guide and the NPPF.

## **IMPACT ON RESIDENTIAL AMENITY**

76. Policy L7 of the Core Strategy states: *In matters of amenity protection, development must be compatible with the surrounding area and not prejudice the amenity of the future occupiers and/or occupants of adjacent properties by reason of overbearing, overshadowing, visual intrusion, noise and/or disturbance, odour or in any other way.*
77. The New Residential Development SPG requires new residential developments to result in acceptable privacy, overshadowing and overbearing impacts on neighbouring properties, in addition to the provision of acceptable amenity standards for the future occupants of the proposed development.

## **Privacy**

78. The development would introduce/reuse ground and first floor front, side and rear facing habitable room windows, albeit the front and rear facing first floor habitable room windows would be at a relatively low level, with most of these outlooks supplemented with a matching roof light.

### Plot 1

79. Plot 1 would introduce/use front and rear facing ground and first floor habitable room windows/outlooks which would overlook the enclosed parking forecourt to the north and the modern farm buildings to the south. It's reused side (east) facing first floor gable bedroom window would closely overlook the rear of Bow Green Farm to the east, however this window will have an obscure glazing film added to it to prevent an unacceptable overlooking of this neighbouring property, with this room having a further (admittedly low level) window and roof light looking south. This plot's side (east) facing door would not be glazed and would not have direct views in the garden area to the rear of Bow Green Farm with this being closely positioned (1.5m) from the gable end of the single storey element to the rear of this neighbouring building.

### Plot 2

80. Plot 2 would introduce/use front, side (west) and rear facing ground floor habitable room windows, as well as side and rear facing first floor habitable room windows. Those to the side and rear would face an internal access route/parking areas and the modern farm buildings respectively. The front facing ground floor habitable room door would closely face Plot 3's garden, however the door would not be glazed and would only be periodically open. The reused front facing first floor window would serve an en-suite bathroom and would be obscurely glazed.

### Plot 3

81. Plot 3 would introduce side facing ground floor habitable room windows. Those facing west would overlook this plot's garden with the internal access route and parking area beyond. Those to the east would overlook the shared enclosed front parking forecourt and also face at an angle two ground floor habitable room windows in the west elevation of Bow Green Farm at a distance of 14.9m. This would be acceptable because the facing windows are off-set such that they do not directly face each other and therefore do not result in an unacceptable privacy impact.

## **Overbearing/Overshadowing**

82. Plots 1 and 2 would have ground floor rear facing habitable room windows/outlooks which would directly face retained 1.5 storey barn type buildings to the south at a distance of 21.4m. Plot 3 would have side (east) facing ground floor habitable room windows which would face the two storey gable elevation of Bow Green Farm at a distance of 14.9m. These distances would be acceptable in terms of their overbearing impacts.

83. Whilst it is accepted that there may be some limited overshadowing impact on the southern parts of the gardens for Plots 1 and 2 as a result of the retained farm buildings to the south, these would be set away from the gardens of Plots 1 and 2 and separated by the existing concrete yard and any impact would only be for parts of the day at limited times of the year. This impact is not considered to result in an unacceptable level of amenity for the occupiers of these dwellings.

### **Future Occupant Amenity Space**

84. The proposal would provide an acceptable degree of internal space for future occupants. The proposed internal floor space would exceed National standards. Each property would have a private garden area.
85. As noted above, it is considered that permitted development rights should be removed for extensions and outbuildings. This would prevent any uncontrolled extensions/outbuildings that could potentially result in loss of amenity to the detriment of surrounding occupiers as well as limiting future green belt impacts.

### **Noise/Nuisance**

86. The Nuisance consultee has raised a concern that future occupants could be adversely affected by noise/disturbance from the retained farm buildings immediately to the south of the site and has requested that the applicant provides a Noise Assessment to address this issue. However Officers consider that future residents would be aware of this potential impact on occupation of the properties, that barn conversions adjacent to agricultural uses have been frequently permitted in the past without noise assessments with these uses having normally been considered to be compatible with one another, that any potential for mitigation measures in terms of alterations to glazing and ventilation arrangements would be limited due to the buildings' listed status and that it would therefore be unreasonable to require the applicant to submit this information. The applicant has been requested to provide details of secondary glazing that would provide some additional noise mitigation whilst being acceptable in terms of heritage impacts. It is considered that, subject to these details, the proposed development would be acceptable in this respect.
87. The Nuisance consultee has also proposed planning permission should be subject to further standard nuisance conditions including noise limits in relation to plant and equipment, the submission and implementation of a Construction Environmental Management Plan, provision of electric vehicle charging points and details of external lighting.
88. Representations have been received that suggest that, due to their particular personal circumstances, construction traffic may have more impact on the amenity of some neighbours than might otherwise be anticipated and suggesting that the type of vehicles should be restricted. Officers have had regard to this in assessing the proposal but have concluded that, notwithstanding this, subject to the attachment of a condition requiring a Construction Environmental Management Plan, the proposed construction of the development would not result in an unacceptable impact on residential amenity.

89. The development would have an acceptable amenity/privacy impact on surrounding residential properties and future occupants, having regard to the character of the surrounding area, and with reference to Core Strategy Policy L7 and the New Residential Development SPG.

## **HIGHWAYS, PARKING AND SERVICING**

90. Core Strategy Policy L4 states: *[The Council will prioritise] the location of development within the most sustainable areas accessible by a choice of modes of transport. Maximum levels of car parking for broad classes of development will be used as a part of a package of measures to promote sustainable transport choices.*
91. Core Strategy Policy L7 states: *In relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.*
92. The Parking SPD's objectives include ensuring that planning applications include an appropriate level of parking; to guide developers regarding the design and layout of car parking areas; to ensure that parking facilities cater for all users and to promote sustainable developments. The Council's parking standards indicate that the provision of seven off-road car parking spaces is appropriate for the proposed development (1 No. four bedroom dwelling and 2 Nos. three bedroom dwellings) at this location.
93. The proposal would provide nine car parking spaces, including two parking spaces within the enclosed forecourt for use of the adjacent farmhouse. Bin store areas would be located within the back gardens. The proposal would impact the adjacent PROW with this route being used to access part of the site however the current gate controlling access to this part of the PROW, and its surface would not be amended. The applicant has provided additional information regarding the proposal's impact on the PROW. If the LHA have any further response on this issue then it will be reported in the Additional Information Report.
94. The LHA has not objected to the proposal with reference to its highways impacts (including the safety of the site access on the corner of Bow Lane) and parking impacts subject to standard conditions.
95. The development would have an acceptable highway, parking and servicing impact with reference to Core Strategy Policies L4 and L7, the Parking Standards and Design SPD, the New Residential Development SPG and the NPPF.

## **TREES AND ECOLOGY**

96. The proposal would result in the removal of two structures on site, the modern barn type building to the west and the car port to the front, the carrying out of extensive works to the main brick building and extensive hard and soft landscaping works.
97. The GMEU consultee has confirmed that the submitted ecology report found evidence of bats in the historic agricultural building and the adjacent main farm

building (which is not part of the application site), whilst the large modern agricultural building to the west, which is due to be removed through the development proposal, and the building which was attached to the rear of the main brick agricultural building but which was subsequently blown over by a storm, has/had negligible potential for supporting bats.

98. All species of bats are European Protected Species (EPS) under the Conservation of Habitats and Species Regulations, 2017, which protects individual bats from killing, injury or disturbance and also protects their habitats, in this case the roost, even if the bat is not present in it at the time. Additionally the presence or otherwise of protected species is a material consideration when determining a planning application.
99. If an EPS is known to be present on site and impacted upon, a European Protected Species licence may be required, and under the EC Habitats Directive, 1992 a degradation licence may be applied for if certain criteria relating to maintenance of favourable conservation status, no satisfactory alternative and reasons of overriding public interest are satisfied.
100. The GMEU consultation response concludes that, given the size and type of roost and species involved, it is considered that with proper mitigation in line with the suggestions made in the bat report, the conservation status of this species can be maintained and that a licence is likely to be issued by Natural England.
101. Before a licence can be granted, three tests must be satisfied. The first test is that the impact on the bat roost in this case would not be detrimental to the wider maintenance of this species at a favourable conservation status. The other two tests relate to whether the development is in the public interest and would provide social / economic benefits and whether there is a satisfactory alternative. The GMEU consultee has confirmed that the proposal would meet the first test provided that details of mitigation measures are submitted and implemented. Considering the other two tests relating to public interest and alternatives, regarding public interest, Officers consider there is a public interest in bringing the curtilage listed building into a long term viable use which would provide family homes. Regarding alternatives, any proposal which would provide for the long term future of this building would require interventions which could have a potential impact on bat roosts – therefore Officers consider there is no reasonable alternative if the building is to remain in place. Officers agree with the GMEU's conclusion that the relevant tests have been satisfied.
102. The GMEU consultee has also confirmed that development can commence subject to several conditions including two relating to the presence of bats on site; firstly a condition requiring the submission of an up to date bat report (considering the fact the original report is dated March 2021) and the implementation of any required mitigation measures, and secondly, once that condition has been discharged, a further condition requiring compliance with the Natural England licensing requirements.



103. The GMEU consultee has further suggested several other conditions relating to external lighting, Japanese knotweed, biodiversity improvements and bird nest clearance.
104. The arboriculturist consultee has confirmed no objection with reference to the proposed site plan which includes tree protection fences around retained trees.
105. Subject to appropriate conditions, it is considered that the proposal would result in an acceptable ecology impact with reference to Core Strategy Policy R2 and the NPPF.

## **EQUALITIES**

106. Policy L7.5 of the Core Strategy requires that development should be fully accessible and usable by all sections of the community and Paragraph 127 of the NPPF reinforces this requirement by requiring planning decisions to ensure that developments create places that are safe, inclusive and accessible.
107. Under the provisions of the Equality Act 2010, specifically Section 149 Public Sector Equality Duty (PSED), all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and to foster good relations. Having due regard for advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The relevant protected characteristics of the PSED include age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The PSED applies to Local Planning Authorities in exercising their decision making duties with regards planning applications.
108. Issues have been raised in the representations that relate to equalities and as such, in making an assessment of the application proposals, it is necessary to have regard to the Public Sector Equality Duty. If it is known that a decision could have an impact on persons with (a) protected characteristic(s), then this cannot be disregarded, whether or not that is material to the planning merits of the case.
109. Officers note the objector request that they have the ability to pre-approve/veto construction vehicles which they consider to result in an unacceptable pollution impact with reference to the objector's personal circumstances. Officers have had regard to this in assessing the proposal but have concluded that, even taking into account the objector's personal circumstances and protected characteristics, this is not a reasonable request. The issue of construction traffic and any other issues arising during construction can be satisfactorily controlled by a condition requiring a Construction Environmental Management Plan (CEMP).
110. It is noted that Plot 3 would have a level access, with all dwellings complying with Part M4(1) of the Building Regulations.

111. The proposal would not include any accessible parking spaces, and it is also noted that the LHA has not objected with reference to this issue. The Parking SPD states that accessible parking for a residential development of this scale is negotiated on a case by case basis. These are private dwellings with dedicated parking spaces directly outside in which circumstances accessible parking provision would not normally be required.
112. No other benefits or dis-benefits have been identified to persons with any other protected characteristic.
113. Overall taking into account the constraints of the site and the scale of the development, it is considered that the measures proposed to provide a facility accessible to all (including those required through the Building Regulations application) and appropriate mitigation of construction impacts via a CEMP, would on balance provide an appropriate, practical and reasonable response to the equalities impacts of the scheme.

## **OTHER MATTERS**

114. Considering the other concerns raised by objectors not addressed in the above assessment, Officers note as follows:
115. The applicant has submitted a Heritage Statement in support of their proposal.
116. The LLFA has confirmed no objection to the proposal's drainage/flooding impacts.
117. The assessing Officers' consideration is limited to the current proposal. The applicant's possible intentions in relation to the redevelopment of their wider landholding is not a material planning consideration in this application. It is noted that the wider site is also within the Green Belt which would limit future development.
118. The Nuisance consultee has suggested that planning permission, of permitted, is subject to a condition requiring the submission of a construction management plan which would include measures to ensure the safe disposal of any asbestos found on site. There are other regulations controlling asbestos including a licensed contractor scheme.
119. Whilst applicants are encouraged to contact surrounding residents to inform of their development intentions prior to the submission of a planning application, their failure to do so is not a valid grounds for refusing planning permission.
120. The potential presence of rodents is not relevant to the assessment of the planning application.

## **DEVELOPER CONTRIBUTIONS**

121. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'hot zone' for residential development, consequently private market houses will

be liable to a CIL charge rate of £80 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

122. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure. The application would be subject to a landscaping condition requiring the provision of additional trees on site (a minimum of nine trees net of clearance) as part of the landscaping proposals.

## PLANNING BALANCE AND CONCLUSION

123. S38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Policies relating to the proposal's green belt, housing, heritage, design and amenity impacts are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11 as they determine the principle of the development. As the Council does not have an immediately available five year supply of housing land, paragraph 11d) of the NPPF is engaged and should be taken into account as an important material consideration.
124. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an **up to date** (emphasis added) development plan, permission should not normally be granted.
125. In Green Belt terms, the proposed development would fall within the exception in paragraph 150 d) of the NPPF and would therefore not be inappropriate development in the Green Belt and would not have an unacceptable impact on the openness of the Green Belt. The proposals would therefore comply with Green Belt policy in Policy R4 of the Core Strategy and the NPPF. There is no need to consider whether there are any very special circumstances which would justify the development.
126. In terms of heritage impacts, it is considered that, as a result of the alterations to the buildings and the additional structures, the proposed development would result in 'less than substantial' harm (minor harm) to the special interest and the significance of the curtilage listed agricultural building and the setting of the adjacent Grade II listed farm house.
127. Applying the test in paragraph 202 of the NPPF, it is nevertheless considered that the public benefits associated with the development (comprising the productive reuse of a currently degrading building, the sensitive heritage restoration of the building which retains/restores its most important historic features, the removal of the current utilitarian and relatively untidy and run down elements to the front and side of the site, and the provision of three additional dwellings which could be used as family housing) are sufficient to outweigh the identified harm to the significance of the heritage assets.

As such, the proposed development would comply with the heritage policies of the NPPF and Policies L7 and R1 of the Core Strategy. In terms of paragraph 11 d) i), there would therefore be no clear reason for refusal of permission.

128. All other detailed matters have been assessed, including the proposal's housing, design, visual amenity, residential amenity, highway safety and ecology impacts. The proposal has been found to be acceptable with, where appropriate, specific mitigation secured by planning condition, and the proposal complies with the development plan and guidance in the NPPF in relation to these matters. In terms of paragraph 11 d) ii), it is considered that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting permission. The proposal complies with the development plan when taken as a whole. It is therefore recommended that planning permission should be granted, subject to conditions.

## **RECOMMENDATION**

**GRANT** subject to the following conditions:

1. The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [467629] P04, received by the Local Planning Authority 5 May 2021; and PO1 K, P02 I, PO3 J and PO7 A, received by the Local Planning Authority 29 September 2023.

Reason: To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

3. Notwithstanding any description of façade treatment in the application no above-ground construction works shall take place unless and until a detailed façade schedule for all elevations of the building has first been submitted to and approved in writing by the local planning authority. The schedule shall be provided in tabulated form with cross referencing to submitted drawings, include the provision of further additional drawings and the building of sample panels on site as necessary and shall include: (i) All brickwork detailing (ii) All fenestration details and recesses (including heads, cills, mullions, transoms, casement and jambs. Recesses are to be no less than 100mm. (iii) Roof edge, including verges and eaves details (iv) The means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the building (v) Siting of any external façade structures such as meter boxes. Development shall proceed in accordance with the approved detailed façade schedule.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard

to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

4. Notwithstanding the submitted information, no works involving any materials to be used externally on the building or the hard landscaping shall take place until samples of all materials to be used in the repair, restoration, alteration or extension of any external and internal surfaces of the buildings and hard landscaping within the curtilage have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

5. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location of nine additional trees net of any clearance, together with the formation of any banks, the proposed levels or contours, terraces or other earthworks, means of enclosure or boundary treatments, car parking layouts, other vehicle and pedestrian access and circulation areas, entrance gates, materials for all hard surfaced areas (including those to the access road and parking bays), minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) historic landscape features and proposals for restoration where relevant, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants/trees to be retained and a scheme for the timing/phasing of implementation works. (b) The landscaping works shall be carried out in accordance with the approved scheme for timing/phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner. (c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and to ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policies L7, R1 and R2 of the Trafford Core Strategy and the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 1 and 2 (or any equivalent Order following the amendment, re-enactment or revocation thereof)
  - i) no external alterations shall be carried out to the dwellings;
  - ii) no extensions shall be carried out to the dwellings;

- iii) no outbuildings, gates, walls, fences or other structures shall be erected within the curtilages of the dwellings;
- iv) no means of access or areas of hard surfacing shall be constructed within the curtilages of the dwellings;

unless planning permission for such development has first been granted by the Local Planning Authority.

Reason: In the interest of visual amenity and the openness of the Green Belt, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

7. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with the tree protection plan details shown on drawing number 467629 P03 I, received by the Local Planning Authority 18 July 2023, and BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework. The fencing is required prior to development taking place on site as any works undertaken beforehand, including preliminary works can damage the trees.

8. The development hereby permitted shall not be occupied unless and until the approved external parking spaces and the areas for the movement, turning and parking of vehicles have been provided, constructed and surfaced in complete accordance with the plans hereby approved. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) the spaces shall be retained thereafter.

Reason: To ensure that satisfactory provision is made within the site for the accommodation of vehicles attracted to or generated by the proposed development, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

9. No development, including demolition, shall take place until a Pre-Construction Environmental Management Plan (CEMP) has been submitted and approved in writing by the Local Planning Authority. The CEMP shall include details of the proposed measures to manage and mitigate the main environmental effects. The CEMP shall address, but not be limited to the following matters:
- a) Suitable hours of construction and pre-construction (including demolition) activity (in accordance with Trafford Council's recommended hours of operation for construction works);
  - b) the parking of vehicles of site operatives and visitors (all within the site);

- c) loading and unloading of plant and materials, and deliveries to the site (all within the site), including times of/arrangements for access/egress;
- d) The management of deliveries to including details of any proposed delivery booking system;
- e) storage of plant and materials used in constructing the development;
- f) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
- g) wheel washing facilities and any other relevant measures for keeping the highway clean during demolition and construction works;
- h) measures to control the emission of dust and dirt during demolition and construction and procedures to be adopted in response to complaints of fugitive dust emissions;
- i) a scheme for recycling/disposing of waste resulting from demolition and construction works (prohibiting fires on site);
- j) measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity (refer to BS5228);
- k) information on how asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors;
- l) information to be made available for members of the public;
- m) nuisance complaints procedure;
- n) contact details of site manager to be advertised at the site in case of issues arising.

The development shall be implemented in accordance with the approved CEMP.

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework. The details are required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could result in adverse residential amenity and highway impacts.

10. The rating level (LAeq,T) from all fixed plant and machinery which may be proposed as part of this development, when operating simultaneously, shall be 5dB below the background noise level (LA90,T) at any time when measured at the nearest noise sensitive premises at the quietest time that the equipment would be operating/in use. Noise measurements and assessments should be compliant with BS 4142:2014+A1:2019 "Methods for rating and assessing industrial and commercial sound".

Reason: In the interests of residential amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

11. No above ground works shall take place until drawings demonstrating the full details of the proposed cycle and bin stores, including their detailed external appearance, have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied unless and until the proposed cycle and bin stores have been provided in

accordance with the approved details. The approved cycle and bin stores shall be retained thereafter.

Reason: To secure sustainable transport options and in the interests of local visual amenity in accordance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) the approved dwellings shall not be occupied unless and until the following existing windows have been fixed shut and have had an obscure glazing film added to them to provide an obscuration level which would be consistent with obscure glazing which is no less than Level 3 of the Pilkington Glass scale (or equivalent)::

Plot 1 first floor east facing bedroom window;  
Plot 2 first floor north facing en-suite bathroom window.

The above windows shall be retained as such thereafter.

Reason: In the interest of amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

13. The site shall be drained via separate systems for the disposal of foul and surface water.

Reason: To secure a satisfactory system of drainage and to prevent pollution of the water environment having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

14. Other than the demolition of buildings and structures down to ground level, and site clearance works, no development shall take place until an investigation and risk assessment in relation to contamination on site (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above. The submitted report shall include:
  - i) a survey of the extent, scale and nature of contamination
  - ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;
  - iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.
  - iv) a remediation strategy giving full details of the remediation measures required and how they are to be undertaken



v) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall thereafter be carried out in full accordance with the approved remediation strategy before the first occupation of the development hereby approved.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the health of future occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. The assessment is required prior to development taking place on site to mitigate risks to site operatives.

15. The development hereby permitted shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan, where required (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the health of future occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. The assessment is required prior to development taking place on site to mitigate risks to site operatives.

16. No development, including demolition, shall take place until an updated bat survey, including 3 activity surveys during the maternity season and undertaken by a suitably qualified ecologist, has been submitted to and approved in writing by the Local Planning Authority. The updated survey shall include the details of any required mitigation works and the timescale for the implementation of such works. The approved mitigation works shall be implemented in accordance with the approved timescale and shall be retained thereafter.

Reason: To prevent injury to bats, a protected species, having regard to Policy R2 of the Trafford Core Strategy and policies in the NPPF.

17. The approved development, including any demolition, shall not in any circumstances commence unless the Local Planning Authority has been provided with either: A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2017, authorising

the specified development to go ahead; Or A statement in writing from the relevant licensing body to the effect that it does not consider that the development will require a licence. In these circumstances, no development shall take place unless and until a Method Statement based on the provisions of Section 4.19 (Ecological Appraisal, BSG Ecology, March 2021) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent injury to bats, a protected species, having regard to Policy R2 of the Trafford Core Strategy and policies in the NPPF.

18. The development hereby permitted shall not be occupied unless and until biodiversity enhancement measures have been incorporated into the development in accordance with details (including the location and specification of bird boxes, including a barn owl box) that have first been submitted to and approved in writing by the local planning authority. The approved measures shall be retained thereafter.

Reason: To secure biodiversity improvements, having regard to Policy R2 of the Trafford Core Strategy and guidance in the NPPF.

19. No clearance of trees and shrubs in preparation for (or during the course of) development or work to convert or demolish any buildings shall take place during the bird nesting season (March-August inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during the period of works on site. The mitigation strategy shall be implemented as approved.

Reason: In order to prevent any habitat disturbance to nesting birds having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. The ecological survey is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, could unacceptably impact potential nesting birds on site.

20. No installation of new exterior lighting shall take place unless and until an Exterior Lighting Impact assessment has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the proposed lighting would not result in an unacceptable ecological impact. The exterior lighting shall be implemented in accordance with the approved details. The approved lighting, including any mitigation measures, shall be retained in good order for the lifetime of the development.

Reason: To ensure the approved development does not result in an unacceptable ecological, visual amenity or residential amenity impact having regard to Policy R2 of the Trafford Core Strategy and guidance in the NPPF.

21. No development shall take place (including demolition, ground works, vegetation clearance) until a method statement detailing eradication and/or control and / or avoidance measures for Japanese Knotweed has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved method statement.

Reason: In order to prevent the spread of invasive non-native species in accordance with Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework. This statement is required before any development takes place on site because invasive species can be spread unknowingly by site operatives without an appropriate method statement in place.

22. No development or works (including any works of demolition) shall take place until a scheme for adequate support and shelter to be provided at all times to the interior, walls, floors and roof whilst the building works are being carried out has been submitted to and approved in writing by the Local Planning Authority. Development / works shall be carried out in accordance with the approved details.

Reason: To prevent total or partial collapse of the building and avoid weather damage, in the interest of protecting the architectural and historic interest of the listed building, having regard to Policy R1 of the Trafford Core Strategy and guidance in the NPPF.

23. No development or works shall take place unless and until a i) a method statement in relation to the supervision of the approved works and ii) details of an appropriately qualified professional specialising in conservation work who will supervise the approved works have been submitted to and approved in writing by the Local Planning Authority. Any proposed changes during the course of the development to the agreed supervision arrangements shall first be approved in writing by the Local Planning Authority. The supervision of the works shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

24. All roofing works shall be undertaken in accordance with a submitted roof method statement and schedule of works showing the proposed roof repairs, including the flat roof, submitted to and agreed in writing by the Local Planning Authority. Prior to any works taking place to the roof, samples of all materials to be used in the repair and replacement of all the roofs including ridges, eaves and verges,

roof covering including coursing and method of affixment, insulation, roof structure, fascias and any associated leadwork shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

25. Notwithstanding the submitted details, no development involving the repairs to and any replacement of windows and doors to the historic building shall take place until a schedule of proposed repairs/refurbishment, including 1:5 scale drawings showing the proposed repairs, and details of any new/ replacement windows, doors, glazing, lintels, cills and obscure film have been submitted to and agreed in writing by the Local Planning Authority. All new windows and doors shall be constructed from solid timber and set back from the face of the building within a reveal by a minimum 100mm. All new windows shall be single glazed. The mouldings, timber sections, method of opening and associated furniture shall be of a traditional design and profile. All joinery shall have a painted finish to an agreed colour scheme. A sample of all proposed window and door materials shall be submitted and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.

Notwithstanding the submitted details, no development involving the installation of rooflights and glazed roofing shall take place until details of the size and design of the rooflights, which shall be 'conservation' type and sit flush in the roof plane, have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

26. No development, including demolition, shall take place until a detailed survey and photographic record in accordance with Level 2 of Historic England's Understanding Historic Buildings: A Guide to Good Recording Practice (2016) of the historic building and associated structures proposed to be demolished and hereby approved, has been submitted to and agreed in writing by the Local Planning Authority. A copy of the report shall also be deposited with the Greater Manchester Historic Environment Record and Trafford Local Studies Library.

Reason: In accordance with para 199 of the NPPF to record and advance understanding of heritage assets impacted on by the development and to make information about the heritage interest publically accessible, prior to the commencement of works on site, having regard to Policy R1 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework. The details are required prior to development, including demolition, taking place on

site as any works undertaken beforehand, including preliminary works, could result in an adverse impact on the site's historic features.

27. Notwithstanding the submitted information, no repairs or replacement of existing brickwork or re-pointing to the historic building, shall take place until details of any proposed works are submitted to and agreed in writing by the local planning authority. Samples of any proposed replacement brick or stonework, type of joint, coping, lime mortar specification and appropriate bond (to match existing) to be used, must be made available on site in the form of a construction panel and the details agreed in writing by the local planning authority. A sample of existing historic lime mortar shall be analysed to inform the proposed mortar specification and the results provided to the local planning authority. All pointing or repointing shall be carried out using hand tools, within the confines of the joint, finished flush or slightly recessed from the face of the brickwork. The works shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

28. Notwithstanding the submitted information, no works to rainwater goods shall take place until full details regarding the repair, replacement and/or new rainwater goods including method of support, design and surface finish have been submitted to and agreed in writing by the Local Planning Authority. A sample shall be provided of all proposed replacement rainwater goods required. The works shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

29. No works in relation to the installation of extractor vents, heater flues, soil and vent pipes shall take place unless and until full details of such additions including method of affixment have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework

30. No cleaning of brickwork or masonry (other than low pressure 20-100 psi surface cleaning using a nebulous water spray) shall take place unless and until the details of any cleaning proposals have been submitted to and approved in writing by the Local Planning Authority. This shall include the provision of a test panel on site in an inconspicuous position for the inspection of the Local Planning Authority. Any cleaning (other than low pressure 20-100 psi surface cleaning

using a nebulous water spray) shall be carried out strictly in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework

31. No new or relocated external services and related fixtures shall be installed (including communications and information technology servicing, security alarms, lighting, security or other cameras), wherever these installations are to be visible, or where ducts or other methods of concealment are proposed, unless and until details of the position, type and method of installation of all such services and fixtures have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

32. Notwithstanding the submitted details, no works to the existing ventilation or cavity holes shall take place, until full details of the treatment of these openings shall be submitted and approved in writing by the local planning authority. The treatment of these historic openings shall retain the appearance of these features. The works shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

33. No development or other works shall take place (except for demolition of the modern shed to the west and the remains of the storm damaged structure to the rear of the application building), a programme of archaeological works has been secured. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by the local planning authority. The WSI shall cover the following: 1. Informed by the North West Historic Environment Research Framework, a phased programme and methodology of investigation and recording to include: a) historic building recording at Historic England Level 2 b) pending the results obtained from the above, additional visits during the demolition/removal of 20th century extensions/modifications or internal soft-stripping works that may reveal concealed historic fabric c) archaeological watching brief during any below-ground works within the foldyard, and during removal of internal modern floor surfaces in the building (informed by building record) 2. A programme for post-investigation assessment to include: a) analysis of the site investigation records

b) production of a final report on the significance of the archaeological and historical interest represented. 3. Deposition of the final report with the Greater Manchester Historic Environment Record. 4. Dissemination of the results commensurate with their significance. 5. Provision for archive deposition of the report and records of the site investigation. 6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

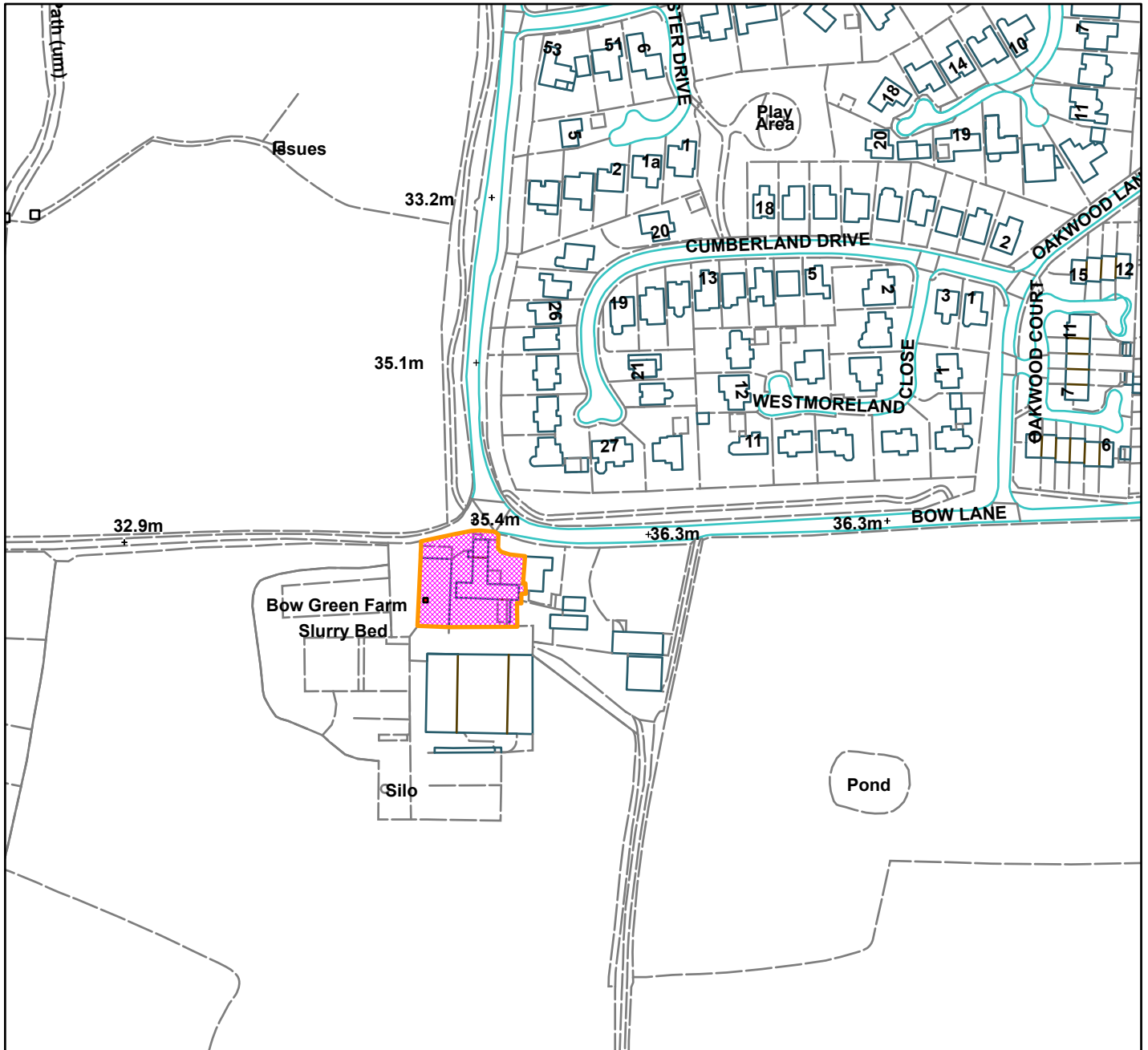
Reason: To ensure the significance of any heritage assets to be lost are recorded having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

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TP



Bow Green Farm, Bow Lane, Bowdon (site hatched on plan)



**Scale:** 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 12/10/2023
Date	02/10/2023
MSA Number	AC0000809316 (2022)



**WARD: Bowdon**

**106995/LBC/22**

**DEPARTURE: Yes**

**Listed Building Consent for change of use of existing traditional agricultural building to create 3 no. residential units with associated external alterations (Use Class C3) with associated parking and amenity space following demolition of the steel framed agricultural building, shed and car port.**

Bow Green Farm, Bow Lane, Bowdon, WA14 3BX.

**APPLICANT:** The Church Commissioners for England.

**AGENT:** Ms Sophie Watson, Savills (UK) Limited.

**RECOMMENDATION: GRANT**

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**This application is being reported to the Planning and Development Management Committee because the linked application for planning permission has received eight letters of objection contrary to the Officer recommendation of approval.**

#### **Executive Summary**

The application relates to a curtilage listed brick agricultural building and adjacent modern barn within the setting of a Grade II listed farm house. The applicant proposes to demolish the modern barn and a car port extension attached to the front of the brick agricultural building and convert the building into three dwellings, entailing internal and external amendments, together with hard and soft landscaping works.

The proposal is considered to result in 'less than substantial harm' to the significance of the impacted heritage assets, with this harm at the lower end of the scale as 'minor harm'. Applying the test set down in NPPF paragraph 202 Officers consider that the proposal would include public benefits (including securing the building's optimum viable use) which would outweigh the established 'less than substantial harm' to the significance of the impacted heritage assets.

The proposed work would therefore be acceptable with reference to Section 16 (2&3) of the Planning (Listed Building and Conservation Areas) Act 1990 which requires LPAs to have special regard to the desirability of preserving listed buildings including any features of special architectural or historic interest which it possesses.

#### **SITE**

The application site comprises of a 0.14ha plot of land fronting the south-west corner of Bow Lane as it changes direction east to north. The central part of the site comprises of a vacant two storey T-shaped brick agricultural building erected at some point around the late 18<sup>th</sup> or early 19<sup>th</sup> Century and which has undergone subsequent

internal and external changes during the course of the 20<sup>th</sup> Century. The front (north) of the building includes a single storey element with mono-pitch roof and a car port, the latter set to the side (east) of the single storey element within a yard area, together with a further area of hard standing to the front of the single storey area. The remainder of the plot comprises of a large modern steel agricultural barn type building to the west and hard standing to the west and south. A further non-original rectangular agricultural building was previously attached to the rear elevation of the brick agricultural building, however this was levelled by a storm with the remains now removed.

The plot is bound by the remainder of the modern agricultural buildings to the south, Bow Green Farm to the east, a modern housing estate to the north-east and open land including fields to the remainder. The plot does not contain any boundary treatments apart from a hedge along part of its front boundary, together with a set of gates, these enclosing the front yard area.

A farm track which is also a Public Right of Way (footpath No. 18) runs west from the corner of Bow Lane past part of the plot's frontage.

The plot is set within the Green Belt at the southern edge of the Greater Manchester conurbation.

Bow Green Farm is Grade II listed.

The barn at Bow Green Farm is considered to be a curtilage listed building and part of the 'Bow Green Farmhouse' Grade II listed building under section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **PROPOSAL**

The applicant proposes to demolish the modern agricultural building to the west and the attached 20<sup>th</sup> Century car port, following which the main brick building would be converted into three dwellings.

The applicant proposes to carry out works comprising of the following which would require listed building consent:

- Internal alterations including the removal of walls, creation of openings, subdivision and installation of new internal staircases;
- External alterations including the amendment/installation of replacement/new timber framed windows (including 2 No. two storey feature windows in the building's rear elevation) and timber doors; stone lintels; the replacement of the current roof covering over the single storey front element, the installation of a replacement wooden sliding door which would be fixed in place to this element's front elevation; and cast iron rainwater goods. Repairs would be carried out to the roof. Five conservation type roof lights would be added to the rear roof slope, with a further roof light added to the front roof slope.
- Demolition/removal of non-original front car port.

Other aspects of the proposed development, including demolition of the modern barn, would not require listed building consent. These elements of the scheme are assessed

under the linked pending application for planning permission, reference 104225/FUL/21 which is elsewhere on this agenda.

### **Value Added**

Following a request from the assessing Officer the applicant has amended their proposal including through reducing Plot 3 from a two storey to a single storey dwelling through removal of an originally proposed first floor level, amended the external elevations for example the positioning and design of windows and doors, added conservation rooflights to the rear roof slope to ensure an acceptable outlook for habitable rooms and amended the wider plot layout and materials.

### **DEVELOPMENT PLAN**

**For the purposes of this application the Development Plan in Trafford comprises:**

- The **Trafford Core Strategy**, adopted 25 January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19 June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the LDF. Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

### **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L7 - Design;  
L8 - Planning Obligations;  
R1 – Historic Environment.

### **OTHER LOCAL POLICY DOCUMENTS**

Revised SPD1 - Planning Obligations;  
SPD3- Parking Standards & Design;  
PG1 - New Residential Development;  
PG24 Crime and Security;  
Draft Trafford Design Code.

### **PROPOSALS MAP NOTATION**

Protection of Landscape Character;  
PROW;  
Green Belt;  
Areas of Special Landscape Value;  
Areas of Landscape Protection/CDA.

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

None.

## **PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK)**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in Public of the PfE Submission Plan and the timetabled hearings have now been completed. Given the advanced stage of PfE it now has substantial weight in the planning balance. The timing of this application means that it has not been appropriate/necessary to fully consider the PfE policies in the report, however a high level assessment has been undertaken and it is not considered that the PfE policies would have any significant implications for this application.

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The MHCLG published the revised National Planning Policy Framework (NPPF) in July 2021. The NPPF will be referred to as appropriate in the report.

## **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

The National Planning Practice Guidance was first published in March 2014, and it is regularly updated, with the most recent amendments made in June 2021. The NPPG will be referred to as appropriate in the report.

## **OTHER LEGISLATION**

Planning (Listed Buildings and Conservation Areas) Act 1990.

## **RELEVANT PLANNING HISTORY**

104225/FUL/21: Change of Use of the existing traditional agricultural building to create three residential units with associated external alterations (Use Class C3) with associated parking and amenity space following demolition of the steel framed agricultural building, shed and car port. Pending.

H/58166: Demolition of stock yard and erection of milking parlour (revised siting). Approved 22 January 2004.

H/57077: Demolition of stock yard and erection of milking parlour. Approved 26 August 2003.

H34992: Erection of agricultural building for stock housing. Approved 29 April 1992.

H25484: Demolition of porch and erection of new porch. Approved 1 October 1987.

H24430: Demolition of porch and erection of new front porch. Refused 12 March 1987.

H08458: Erection of cattle shed. Approved 15 February 1979.

### **APPLICANT'S SUBMISSION**

The applicant has submitted Design and Access and Heritage Statements in support of their proposal.

### **CONSULTATIONS**

**Heritage Development Officer** – No objection subject to conditions. The proposal would result in minor harm.

**Greater Manchester Archaeological Advisory Service** – No objection subject to condition.

**Historic England** - No comment.

### **REPRESENTATIONS**

Letters of objection have been received from four neighbouring occupants, which raise the following issues which are relevant to the current listed building consent application:

- The submitted documents do not refer to the fact the proposed would result in the redevelopment of a Grade II listed building and that the proposals would be in accordance with listed building requirements.
- The proposal would adversely impact the setting of the listed building, Bow Green Farm.
- The proposal is poorly designed and would undermine the setting of the adjacent farm house.
- The proposal would result in an unacceptable overdevelopment of the plot.
- The listed building has been vacant for some time which has resulted in it falling into disrepair.

### **IMPACT ON DESIGNATED HERITAGE ASSETS**

#### **The Planning (Listed Buildings & Conservation Areas) Act 1990**

1. The only issue for consideration in this application for listed building consent is the impact of the works on the special architectural and historic interest of the listed building. In applications for listed building consent the development plan and the NPPF are material, but not determinative.

2. Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 advises: *In considering whether to grant listed building consent for any works the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Section 16(3) further advises that *'any listed building consent shall (except in so far as it otherwise provides) ensure for the benefit of the building and of all persons for the time being interested in it.*

### **National Planning Policy Framework**

3. For the avoidance of doubt, although heritage policies set out in in Chapter 16 of the NPPF are material considerations in the determination of listed building consent applications, Paragraph 11 of the NPPF – the presumption in favour of sustainable development – does **not** apply.
4. NPPF paragraph 195 states: *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.*
5. NPPF Paragraph 195 states: *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.*
6. Paragraph 197: *In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.*
7. Paragraph 199: *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
8. Paragraph 200: *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*

9. Paragraph 202: *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

### **Development Plan**

10. Policy R1 of the adopted Core Strategy states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness. Developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to Conservation Areas, listed buildings and other identified heritage assets.

### **Significance of the Heritage Asset**

11. Significance (for heritage policy) is defined in the NPPF as: *The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.*

12. The setting of a heritage asset is defined as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

13. The listing entry for the adjacent Grade II listed farm states:

*Farmhouse. Late C18. Flemish bond brickwork with slate roof. The single-depth central-entrance plan has a similar parallel roofed range behind the right hand unit only. All 2-storey but for small lean-to. Central entrance has moulded surround and C20 door. On either side are window openings with cambered brick arches and stone sills which house paired sash-windows with glazing bars. The 2 first floor openings are similar except that the heads are flat. Gable stacks.*

14. The barn at Bow Green Farm is considered to be a curtilage listed building and part of the 'Bow Green Farmhouse' Grade II listed building under section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Any object or structure fixed to the listed building, or any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948 is considered to form part of the listing. As such the front car port extension to the original agricultural building is curtilage listed whilst the adjacent modern barn type building is not curtilage listed. Both of these elements would be removed to facilitate the development.

15. The curtilage listed brick agricultural building's heritage significance is because of its age, purpose, form, design and materials which reflects that of several other similar type historic ancillary farm buildings in the local area, these buildings demonstrating the area's historical development, together with the building's

functional relationship with the farmhouse and the aesthetic significance of the pair of buildings when viewed together.

### The Proposal and Impact on Significance

16. The applicant proposes to demolish the modern agricultural building to the west and the attached 20<sup>th</sup> Century car port, following which the main brick building would be converted into three dwellings.
17. As part of their development proposal the applicant proposes to carry out works to the brick agricultural building comprising of the following which would require listed building consent:
  - Internal alterations including the removal of walls, creation of openings, subdivision and installation of new internal staircases;
  - External alterations including the amendment/installation of replacement/new timber framed windows (including 2 No. two storey feature windows in the building's rear elevation) and timber doors; stone lintels; the replacement of the current roof covering over the single storey front element, the installation of a replacement wooden sliding door which would be fixed in place to this element's front elevation; and cast iron rainwater goods. Repairs would be carried out to the roof. Five conservation type roof lights would be added to the rear roof slope, with a further roof light added to the front roof slope.
  - Demolition/removal of non-original front car port.

### Heritage Development Officer Comment:

18. *The plans have been revised which on the whole address the comments below including the treatment of openings, improved materials, removal of first floor to plot 3 and introduction of post and rail boundary treatment. There is still a lack of detail about how the repair, refurbishment and alteration of the listed building will be undertaken, however general principles are provided on the drawings. The introduction of double glazed units remains and the plans should be amended to remove the reference to this and secondary glazing proposed instead which will improve the energy efficiency of the listed building. It is agreed that further surveys, a schedule of detailed works and samples of materials can be conditioned.*

#### *Position*

*There are no objections to the proposed development on heritage grounds. The proposal seeks to bring back into use this vacant listed building with some minor harm to the significance of the designated heritage asset.*

*This harm will nevertheless require a clear and convincing justification and should be weighed against the public benefits of the scheme as required by 199, 200 & 202 of the NPPF.*

*The balancing exercise should be undertaken bearing in mind the statutory duty of Sections 16 (2) & 66 (1) of the Planning (Listed Building & Conservation Areas) Act 1990.*



19. The GMAAS consultee has confirmed no objection to the proposal subject to a condition requiring a watching brief relating to works to the main building, including the car port.
20. The sensitive renovation and reuse of this relatively dilapidated curtilage listed building is welcomed. Officers do not object to the demolition of the utilitarian non-original, non-curtilage listed structures, the removal of which would improve the site's visual impact.
21. Officers have engaged with the applicant to seek amendments to the proposal through a reduction in the scope of internal works, a redesign and repositioning of the proposed windows and doors, an improvement in the external fascia materials to a more appropriate heritage type and other internal and external amendments in an effort to minimise the proposal's impact on the building's original features and plan form. Officers consider the amended proposal to be acceptably designed with reference to the proposal's heritage impacts, albeit the amended proposal would nevertheless result in a degree of harm to the curtilage listed building, primarily through the insertion of the roof lights required to the building's front and rear roof slopes, to allow for an acceptable outlook from first floor bedroom windows, as well as the need to insert additional windows which would impact the building's original fabric to some extent.
22. The Heritage Development Officer concludes that the amended proposal would result in 'minor' harm, ("less than substantial" harm at the lower end of the scale in NPPF terms), to the curtilage listed building, however the conversion and re-use of this vacant and deteriorating building is welcomed. The Heritage Development Officer goes on to propose several conditions to secure an acceptable quality of redevelopment in terms of preservation and restoration works should listed building consent be granted. The LPA accepts the Heritage Development Officer's view.
23. As stated above the key issue for consideration in this application is the impact of the works on the special interest of the curtilage listed building and the setting of the adjacent listed building.
24. NPPF Paragraph 202 states: *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*
25. Applying the tests set out in the NPPF, for the reasons outlined above, it is considered that the works will result in minor harm to the significance of the curtilage listed building and the setting of the adjacent listed building. In accordance with paragraph 202 of the NPPF this is identified as 'less than substantial' harm. It is clear that degrees of 'less than substantial harm' range from very minor harm to very major harm, and it is considered that the harm from the proposals would fall at the lower end of this scale, as minor harm.
26. It is noted that paragraph 202 states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm

should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.

27. Officers consider the proposal's public benefits to comprise of the following:

- The productive reuse of a relatively prominent curtilage listed building which is currently in a relatively dilapidated state, primarily due to water ingress/damp, with the risk of a further deterioration should restoration works not take place in the near future;
- The removal of unsightly utilitarian elements to the front and side of the building in the form of a front car port and an adjacent contemporary barn;
- The renovation and improvements proposed to the brick building including the installation of acceptably heritage compliant designed windows and doors;
- An improvement to the wider site through the installation of appropriate hard and soft landscaping;
- The provision of three additional housing units which could be used as family housing in a relatively sustainable location.

28. Officers consider these public benefits would acceptably outweigh the established less than substantial harm (minor harm) should permission be subject to the multiple conditions proposed by the Heritage Development consultee which would ensure an acceptable standard of finished work and preservation of the current historic fabric.

29. Therefore applying the test set down in NPPF paragraph 202 it is clear that there are public benefits (including securing the building's optimum viable use) which outweigh the 'less than substantial harm' to the significance of the impacted heritage assets.

30. The proposed work would be acceptable with reference to Section 16 (2&3) of the Planning (Listed Building and Conservation Areas) Act 1990 which requires LPAs to have special regard to the desirability of preserving listed buildings including any features of special architectural or historic interest which it possesses.

## **CONCLUSION**

31. The proposals have been considered against the statutory requirement in s16 (2&3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and advice in the NPPF and the development plan as material considerations. It is considered that the proposal would result in a degree of harm to the architectural and historic importance of the curtilage listed agricultural building and the setting of the adjacent listed building, this harm amounting to 'less than substantial harm' at the lower end of the scale (NPPF paragraph 202) as minor harm, however Officers consider this harm would be outweighed by the scheme's public benefits, including securing the building's optimum viable use. The application for listed building consent is therefore recommended for approval.

## **RECOMMENDATION:**

**GRANT** subject to the following conditions:

1. The works must be begun not later than the expiration of three years beginning with the date of this consent.

Reason: To comply with the requirements of section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [467629] P04, received by the Local Planning Authority 5 May 2021; and PO1 K, P02 I, PO3 J and PO7 A, received by the Local Planning Authority 29 September 2023.

Reason: To clarify the permission, having regard to Policies L7 and R1 of the Trafford Core Strategy and the National Planning Policy Framework.

3. No development or works (including any works of demolition) shall take place until a scheme for adequate support and shelter to be provided at all times to the interior, walls, floors and roof whilst the building works are being carried out has been submitted to and approved in writing by the Local Planning Authority. Development / works shall be carried out in accordance with the approved details.

Reason: To prevent total or partial collapse of the building and avoid weather damage, in the interest of protecting the architectural and historic interest of the listed building, having regard to Policy R1 of the Trafford Core Strategy and guidance in the NPPF.

4. No development or works shall take place unless and until a i) a method statement in relation to the supervision of the approved works and ii) details of an appropriately qualified professional specialising in conservation work who will supervise the approved works have been submitted to and approved in writing by the Local Planning Authority. Any proposed changes during the course of the development to the agreed supervision arrangements shall first be approved in writing by the Local Planning Authority. The supervision of the works shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

5. Notwithstanding the submitted information, no works involving any materials to be used externally on the building or the hard landscaping shall take place until samples of all materials to be used in the repair, restoration, alteration or extension of any external and internal surfaces of the buildings and hard landscaping within the curtilage have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

6. All roofing works shall be undertaken in accordance with a submitted roof method statement and schedule of works showing the proposed roof repairs, including the flat roof, submitted to and agreed in writing by the local planning authority. Prior to any works taking place to the roof, samples of all materials to be used in the repair and replacement of all the roofs including ridges, eaves and verges, roof covering including coursing and method of affixment, insulation, roof structure, fascias and any associated leadwork shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

7. Notwithstanding the submitted details, no development involving the repairs to and any replacement of windows and doors to the historic building shall take place until a schedule of proposed repairs/refurbishment, including 1:5 scale drawings showing the proposed repairs, and details of any new/ replacement windows, doors, glazing, lintels, cills and obscure film have been submitted to and agreed in writing by the Local Planning Authority. All new windows and doors shall be constructed from solid timber and set back from the face of the building within a reveal by a minimum 100mm. All new windows shall be single glazed. The mouldings, timber sections, method of opening and associated furniture shall be of a traditional design and profile. All joinery shall have a painted finish to an agreed colour scheme. A sample of all proposed window and door materials shall be submitted and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.

Notwithstanding the submitted details, no development involving the installation of rooflights and glazed roofing shall take place until details of the size and design of the rooflights, which shall be 'conservation' type and sit flush in the roof plane, have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

8. No development, including demolition, shall take place until a detailed survey and photographic record in accordance with Level 2 of Historic England's Understanding Historic Buildings: A Guide to Good Recording Practice (2016) of the historic building and associated structures proposed to be demolished and hereby approved, has been submitted to and agreed in writing by the Local

Planning Authority. A copy of the report shall also be deposited with the Greater Manchester Historic Environment Record and Trafford Local Studies Library.

Reason: In accordance with para 199 of the NPPF to record and advance understanding of heritage assets impacted on by the development and to make information about the heritage interest publically accessible, prior to the commencement of works on site, having regard to Policy R1 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework. The details are required prior to development, including demolition, taking place on site as any works undertaken beforehand, including preliminary works, could result in an adverse impact on the site's historic features.

9. Notwithstanding the submitted information, no repairs or replacement of existing brickwork or re-pointing to the historic building, shall take place until details of any proposed works are submitted to and agreed in writing by the local planning authority. Samples of any proposed replacement brick or stonework, type of joint, coping, lime mortar specification and appropriate bond (to match existing) to be used, must be made available on site in the form of a construction panel and the details agreed in writing by the local planning authority. A sample of existing historic lime mortar shall be analysed to inform the proposed mortar specification and the results provided to the local planning authority. All pointing or repointing shall be carried out using hand tools, within the confines of the joint, finished flush or slightly recessed from the face of the brickwork. The works shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

10. Notwithstanding the submitted information, no works to rainwater goods shall take place until full details regarding the repair, replacement and/or new rainwater goods including method of support, design and surface finish have been submitted to and agreed in writing by the Local Planning Authority. A sample shall be provided of all proposed replacement rainwater goods required. The works shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

11. No works to internal joinery shall take place unless and until a fully detailed schedule of works for the repair and replacement of all existing internal joinery has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a method statement, full details of timber sections to be repaired/consolidated or replaced, a specification for any replacement timbers, the proposed method of jointing or consolidation, the proposed surface finish. The schedule shall also include details of all new internal doors and ironmongery; skirtings and architraves and replacement staircases. All samples of proposed

repair, replacement or new joinery shall be submitted to and agreed in writing by the local planning authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

12. No works associated with internal wall, ceiling and floor finishes shall take place until details of all internal wall, ceiling and floor finishes including the method of affixment to existing fabric have been submitted to and agreed in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

13. No works in relation to the installation of extractor vents, heater flues, soil and vent pipes shall take place unless and until full details of such additions including method of affixment have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework

14. No cleaning of brickwork or masonry (other than low pressure 20-100 psi surface cleaning using a nebulous water spray) shall take place unless and until the details of any cleaning proposals have been submitted to and approved in writing by the Local Planning Authority. This shall include the provision of a test panel on site in an inconspicuous position for the inspection of the Local Planning Authority. Any cleaning (other than low pressure 20-100 psi surface cleaning using a nebulous water spray) shall be carried out strictly in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework

15. No new or relocated external services and related fixtures shall be installed (including communications and information technology servicing, security alarms, lighting, security or other cameras), wherever these installations are to be visible, or where ducts or other methods of concealment are proposed, unless and until details of the position, type and method of installation of all such services

and fixtures have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

16. No works in relation to the installation of internal secondary window glazing shall take place unless and until a 1:10 drawing of the frame design, (which shall be constructed from timber and with corresponding window number) and materials details have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

17. Notwithstanding the submitted details, no works to the existing ventilation or cavity holes shall take place, until full details of the treatment of these openings shall be submitted and approved in writing by the local planning authority. The treatment of these historic openings shall retain the appearance of these features. The works shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

18. No work shall take place until an updated structural survey and timber survey have been undertaken by a CARE engineer and a detailed schedule of works (including methodologies and measured drawings) have been submitted to and agreed in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

19. No above ground works shall take place unless and until a schedule of design intent drawings has first been submitted to and approved in writing by the Local Planning Authority. The schedule shall provide details in the form of 1:20 drawings and sections of all window and door reveals and recesses; feature brickwork panels; deep raked mortar joints; eaves and verge joints, rainwater goods; external façade structures including meter boxes; and flat roof trim details

including proposed materials. Development shall be carried out in accordance with the approved schedule of design intent.

Reason: In the interests of visual amenity and design quality, specifically to protect the original design intent of the architect and the quality of the proposed development, having regard to Core Strategy Policy L7 and the National Planning Policy Framework, and the National Design Guide.

20. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples of all materials to be used externally on the building, the boundary treatments, gates, lintels, bin stores, and the hard landscaping (including shared surfaces, car parking spaces, paths and patios) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Sample panels shall be constructed on site, and retained for the duration of the build programme, illustrating all proposed brickwork, including decorative brickwork, the type of joint, the type of bonding and the colour of the mortar to be used. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

21. No development or other works shall take place (except for demolition of the modern shed to the west and the remains of the storm damaged structure to the rear of the application building), a programme of archaeological works has been secured. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by the local planning authority. The WSI shall cover the following: 1. Informed by the North West Historic Environment Research Framework, a phased programme and methodology of investigation and recording to include: a) historic building recording at Historic England Level 2 b) pending the results obtained from the above, additional visits during the demolition/removal of 20th century extensions/modifications or internal soft-stripping works that may reveal concealed historic fabric c) archaeological watching brief during any below-ground works within the foldyard, and during removal of internal modern floor surfaces in the building (informed by building record) 2. A programme for post-investigation assessment to include: a) analysis of the site investigation records b) production of a final report on the significance of the archaeological and historical interest represented. 3. Deposition of the final report with the Greater Manchester Historic Environment Record. 4. Dissemination of the results commensurate with their significance. 5. Provision for archive deposition of the report and records of the site investigation. 6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: To ensure the significance of any heritage assets to be lost are recorded having regard to Policy R1 of the Trafford Core Strategy and the National Planning Policy Framework.

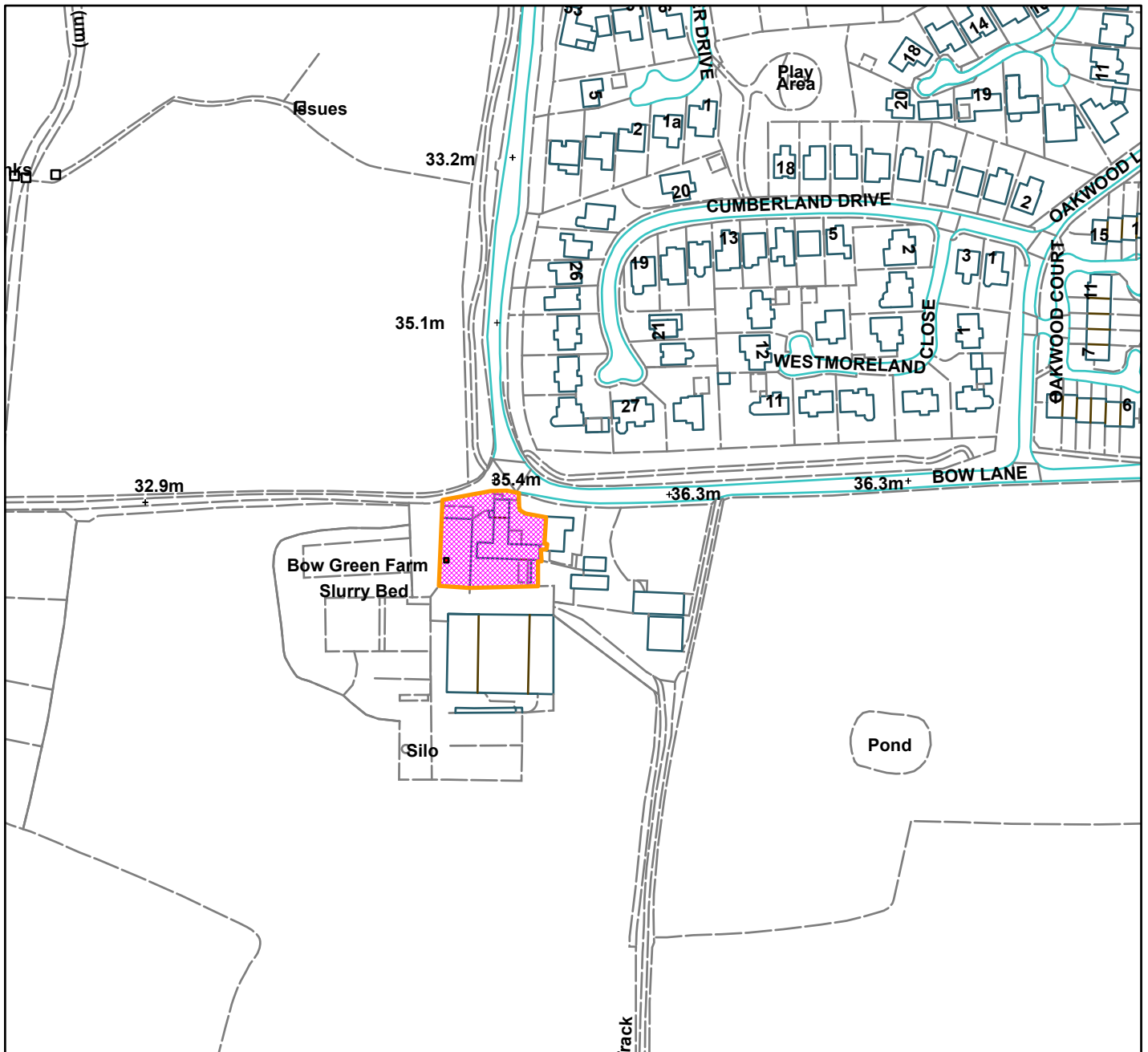
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TP





Bow Green Farm, Bow Lane, Bowdon (site hatched on plan)



Scale: 1:2,500

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 12/10/2023
Date	02/10/2023
MSA Number	AC0000809316 (2022)

**WARD:** Urmston

**109337/FUL/22**

**DEPARTURE: No**

**Demolition of existing industrial warehouse and erection of 5 new dwellings with associated bike and bin storage**

160 Higher Road, Urmston, Manchester, M41 9BH

**APPLICANT:** Mr Henshaw

**AGENT:** Progress in Practice

**RECOMMENDATION: GRANT**

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**BACKGROUND**

Members will recall that this application was originally brought to the Planning and Development Management Committee in June 2023 having been called in by Councillor Kevin Procter. Members resolved to grant the application contrary to officer recommendation and deferred and delegated the imposition of conditions to the Head of Planning. However, on detailed examination it was found not to be possible to impose lawful planning conditions in line with the Committee's original wishes. Advice from the Council's Legal Services was thus to return the application to Committee for their further consideration of the specific conditions to be applied.

Notwithstanding this, since the Committee meeting in June the applicant has chosen to amend the scheme and has engaged with officers to address some of the concerns raised in the previous officer report and at the Committee. The revised plans make welcome and positive changes to the scheme which have been sufficient to alter the planning balance and as such the proposal is now able to be recommended for approval by officers.

**Executive Summary**

The application relates to the development of land at 160 Higher Road, Urmston. The application site is currently occupied by a single industrial warehouse; the unit is currently vacant. The building is surrounded by forecourt parking to the front and a large storage yard to the rear. The immediate surrounding area is predominantly residential, comprising of two storey semi-detached and terraced dwellings.

Planning permission is sought for the erection of 5 no. 3 storey terraced dwellings following demolition of the existing building. 1 no. off-street parking space is proposed to the front of each property. The proposed dwellings are to be constructed of a mix of white and buff brick with a metal standing seam roof.

The application has received letters of objection from neighbouring addresses in regard to the original submission. The main concerns relate to overlooking, security and matters of detail regarding boundary treatments.

The proposed dwellings would fail to meet adopted guidelines in relation to distances to rear boundaries and window to window distances with neighbouring properties resulting in a degree of overlooking and loss of privacy, although on balance separation distances are considered to be acceptable.

In terms of visual amenity, the proposal does not fully reflect the context of the site and its surroundings in terms of design and materiality. Nevertheless it represents an innovative, contemporary approach incorporating energy efficiency measures, Overall it is considered to constitute an appropriate design response for this site.

As the Council does not currently have an immediately available five year supply of housing land, the “tilted balance” in NPPF paragraph 11 d) ii) would apply. It is recognised that the proposal would create 5 no. new family dwellings in a sustainable, brownfield location and would therefore make a modest contribution towards the Council’s housing provision. The development would also generate a small amount of economic benefit during construction work. In addition, it is recognised that the development would provide environmental benefits through the provision of energy efficient homes and social benefit through the provision of accessible and adaptable homes in a sustainable location.

In weighing the planning balance, it is considered that the identified harms would not significantly and demonstrably outweigh the benefits of the proposed scheme. The proposal complies with the development plan as a whole and is recommended for approval.

## **SITE**

The application site currently comprises a white, rendered, single storey vacant industrial warehouse. The building occupies the front portion of the site with associated storage yard to the rear and forecourt parking between the building and the road to the front. The building has a shallow pitched roof with blue roller shutter doors.

The immediate surrounding area is predominantly residential with houses immediately adjacent to the site to the rear and both sides, comprising a mix of terraces and semi-detached properties. Immediately opposite the site on the opposite side of Higher Road is a single storey warehouse with flat roof. A recreation ground with play area sits to the north west of the site on the opposite side of Higher Road.

## **PROPOSAL**

Permission is sought for the demolition of the existing industrial warehouse building and the subsequent erection of 5 no. terraced dwellings with associated parking, bike and bin storage.

The proposed dwellings would be two storeys in height with additional accommodation provided in the roofspace. An asymmetrical roof is proposed with the front roof pitch being significantly steeper than the rear facing roof. Rooflights are proposed to the front and rear elevations.

Balconies are proposed to the front of the properties at first floor, projecting over ground floor porches.

One off-street parking space is to be provided to the front of each new property. Each dwelling would have a private garden to the rear. Access to the gardens and bin storage to the rear of the properties is provided from a shared access at the western edge of the site, adjacent to the end property.

#### Value Added:

The following revisions have been made since the original submission which was reported to Committee in June 2023 to address concerns raised within the Officer's Report, neighbour representations and matters raised during the Committee Meeting:

- The second floor plan has been handed so that the bedroom now looks out to the north (front) of the site with eye level rooflights and there are no habitable rooms to the rear at this level;
- An additional triple glazed rooflight has been added to provide additional visual amenity and light to these bedrooms;
- The ground floor layout has been handed so that there is the option of either converting the WC into a shower room, or having it built that way to begin with. This means that occupants will have the option of Part M4(2) compliance;
- Minor layout adjustments to make sure that MVHR (mechanical ventilation with heat recovery) and ASHP (air source heat pump) can be comfortably accommodated, within the revised layout;
- Access around beds for Part M4(2) clearly indicated on plans;
- The gate providing access to the rear shared garden will be controlled 'residents-only' fob access;
- Screening has been provided to the rear of House 5, in the form of a row of birch trees;
- Removal of dormer and adopting asymmetrical roof form;

#### DEVELOPMENT PLAN

**For the purposes of this application the Development Plan in Trafford comprises:**

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.

- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L1 – Land for New Homes  
L2 – Meeting Housing Needs  
L3 – Regeneration and Reducing Inequalities  
L4 – Sustainable Transport and Accessibility  
L5 – Climate Change  
L7 – Design  
L8 – Planning Obligations  
W1 – Economy

For the purpose of the determination of this planning application, Policy L2 is considered to be partly out of date and Policy L1 is considered out of date in NPPF Paragraph 11 terms. This is addressed in more detail in the Principle section of this report. Policies L4, L7 and L8 are considered 'up to date' in NPPF Paragraph 11 terms.

## **PROPOSALS MAP NOTATION**

None

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

None

## **PLACES FOR EVERYONE**

Places for Everyone (PfE) Joint Development Plan Document is being produced by nine Greater Manchester boroughs. It identifies the quantum of new housing and employment development, supports the delivery of key infrastructure, and protects environmental assets. The Plan was submitted to the Secretary of State for Levelling up, Housing and Communities in February 2022 and its Examination in Public commenced in November 2022. As PfE is at a significantly advanced stage in the plan making process (currently at 'Regulation 24' stage) it can be afforded substantial weight in the determination of planning applications.

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The DLUHC published the latest version of the National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

## **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated on 25<sup>th</sup> August 2022. The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

103500/OUT/21 – Outline planning application for the demolition of the existing industrial warehouse and the erection of 5 new dwellings with associated bike and bin store. Consent is sought for access, landscaping, scale and layout with appearance reserved.

Application withdrawn 1 March 2022

H/38798 – Change of use from building contractors to storage and wholesale distribution of roofing materials

Approved with conditions 8 June 1994

### **APPLICANT'S SUBMISSION**

The application is accompanied by the following supporting documents:

- Design and Access Statement

### **CONSULTATIONS**

Strategic Planning and Growth – Comments are incorporated into the main body of the report. In summary, the proposed development results in the loss of employment land and the applicant has failed to satisfy requirements of Policy W1.12. The applicant has not sufficiently demonstrated that there is no need for the site to be retained as employment or that there are no alternative sites. Additional information is therefore requested from the applicant.

Notwithstanding the above, it is noted that the application is considered brownfield land within a sustainable location and that the provision of 5 no. 3 bed dwellings would contribute towards the housing need within Trafford.

Local Highway Authority – No objections in principle on highway grounds to the proposals, subject to further comments as set out within the main body of the report.

Lead Local Flood Authority – No objection on the basis of the submitted revised drainage scheme, subject to a condition requiring a management and maintenance plan.

United Utilities – The drainage plans are not acceptable to UU due to a lack of robust evidence that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems. Should planning permission be granted, a condition is required to be

attached with regard to the submission of details of a sustainable surface water and foul water drainage scheme.

Greater Manchester Ecology Unit – No specific comments to make on this application.

Greater Manchester Police – Make the following recommendations:

- The proposed development should be designed and constructed to be Secured by Design standards including laminated glazing; security-certified windows and doors. Developments that are built to this standard are less likely to be susceptible to crime;
- All garden boundary treatments adjacent to publicly accessible land in particular the rear boundary should be 2100mm;
- A pedestrian access gate should be installed that leads to the rear of the properties so that access is restricted to the site to only that of the residents;
- Dusk til Dawn lighting should be installed on all external doors;
- Any external bin store should be a secure, lockable and fire resistant enclosure;
- It is recommended that the pedestrian route to the rear is well illuminated to provide a deterrent to would be criminals; this would also improve surveillance of the area;

In summary the application is supported subject to further consideration of the above matters.

Pollution and Licensing (Contaminated Land) – The site has potentially been contaminated by former commercial uses including a garage and warehousing and will require investigation to ensure that the site is suitable for future users. To ensure that the correct level of site investigation is undertaken to inform a remediation strategy (if required) standard conditions are recommended relating to investigation and risk assessment and verification report.

Pollution and Licensing (Nuisance) – No objection subject to recommended conditions as set out within the main body of this report.

Cadent Gas – No objection

## **REPRESENTATIONS**

Letters of objection have been received from 4 neighbouring addresses and one anonymous representation, in response to the original proposal. The main points raised are summarised below:

- Overlooking and loss of privacy;
- Security concerns in particular relating to the access gate and access to the alleyway to the rear of neighbouring properties;
- Seek confirmation regarding proposed boundary treatments;
- Difficulties accessing application documents online;
- Inadequate consultation;

Further consultation has been carried out on the submitted revised plans. One additional representation has been received from one of the addresses that previously commented at the time of writing this report. This representation advises that they would like further changes to be made to the proposals as summarised below:

- Need reassurance that the gates will be automatically closing and forbidden to be propped open;
- Fence between gardens to the rear and the proposed development should be increased in height for security purposes;
- Want reassurance that neighbours' trees aren't threatened to be cut down by order of a high hedge notice;
- Siting of bins would give rise to bad odours;
- Separation distances are not met which would give rise to overdevelopment and set a precedent;
- Height of development is out of character with the area;
- Noise and disturbance from additional five families living in close proximity to neighbouring properties;
- Incorrect illustrations within brochure;

Any further representations will be reported in the Additional Information Report.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at Paragraphs 2 and 47 reinforces this requirement and at Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, and that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.
2. The Council's Core Strategy was adopted in January 2012, prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It remains broadly compliant with much of the policy in the 2023 NPPF, particularly where that policy is not substantially changed from the 2012 version.
3. The NPPF is a material consideration in planning decisions, and as the Government's expression of planning policy and how this should be applied, should be given significant weight in the decision making process.
4. The NPPF, at paragraph 11, introduces 'the presumption in favour of sustainable development.' For decision-taking purposes, paragraph 11c explains that 'the presumption in favour' means approving development proposals that accord with an up-to-date development plan without delay. However, where there are no



relevant development plan policies, or the policies which are most important for determining the application are out-of-date, paragraph 11d advises that planning permission should be granted unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
5. Policies controlling the supply of housing, as well as those relating to the proposal's design and amenity impacts are considered to be 'most important' for determining this application when considering the application against NPPF Paragraph 11.
  6. The footnote to paragraph 11(d) makes it clear that the 'most important' development plan policies should be considered out-of-date for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. The Council does not, at present, have a five year supply of immediately available housing land, so paragraph 11(d) is automatically engaged.
  7. There are no protective policies in the NPPF which provide a clear reason for refusing the development proposed. Paragraph 11 d) ii), 'the tilted balance', is therefore engaged.

### Housing Land Supply

8. The Council can currently demonstrate a housing land supply within the range of 3.47 to 3.75 years, which is based on the standard method of calculating Local Housing Need and takes into account a 20% buffer applied for historic under delivery. The most recent Housing Delivery Test figure is 79% - i.e. Trafford has delivered 79% of its LHN (including 20% buffer) in the three years to March 2021.
9. The application proposal would deliver 5 no. new residential units. This is a limited contribution towards meeting the Borough's housing need, although officers still consider that significant weight should be afforded in the determination of this planning application to the scheme's contribution to addressing the identified housing shortfall, and meeting the Government's objective of securing a better balance between housing demand and supply.

### Meeting Housing Needs

10. The NPPF requires local planning authorities to plan for an appropriate mix of housing to meet the needs of its population and to contribute to the achievement

of balanced and sustainable communities (paragraphs 62 and 63). This is supported by Policy L2, which refers to the need to ensure that a range of house types, tenure and sizes are provided. Policy L2 of the Core Strategy relates to meeting housing needs and remains up to date in respect of the requirement for the amount of affordable housing and in terms of site specific requirements for development (L2.2). Full weight can be given to this part of the policy.

11. Policy L2 seeks to ensure that there is an adequate mix of housing types and sizes to meet the needs of the community. Policy L2.4 of the Core Strategy sets out a target split of 70:30; small:large (3+ beds). The application proposes 5 small family dwellings. The proposal provides 100% small family housing and thus does not meet the target mix, however given the quantum of development and that it provides the larger split (i.e. small size) this is accepted.
12. The Trafford Housing Needs Assessment (HNA) 2019 identifies an ongoing need for all types and sizes of dwelling with strongest need for 3 bedroom houses, continued need for 4 or more-bedroom houses and smaller 1 and 2 bedroom houses. The Trafford Housing Propositions for Urmston 2019 identifies a particular shortage of 3 and 4 bed houses, 2 bedroom flats and 2 bedroom bungalows in Urmston. The proposed type of units as part of this application would therefore help to address this shortage. This does not mean there is no need for other types of accommodation in Urmston just that supply and demand need to be in balance.
13. The proposal constitutes brownfield development and therefore also contributes towards the Council's target of providing 80% of new housing provision on brownfield land as set out in Core Strategy Policy L1.7. The application site is considered to be in a sustainable location in proximity to local amenities, a range of public transport options and is previously developed land.
14. The proposal is for 5 no. units only and therefore falls below the trigger for any affordable housing contribution in this part of the Borough.

#### Non-Employment Use of Unallocated Employment Sites

15. As the application will involve the loss of an industrial warehouse (Class B8) Core Strategy Policy W1.12 will apply. The Policy states that in determining applications for non-employment uses on unallocated employment sites, sites outside of the Strategic Locations and employment places identified in W1.3, developers will be required to provide a statement to the satisfaction of the Local Planning Authority, demonstrating that:
  - There is no need for the site to be retained for employment purposes and it is therefore redundant;
  - There is a clear need for the proposed land use in this locality;
  - There are no suitable alternative sites, within the locality, to meet the identified need for the proposed development;

- The proposed redevelopment would not compromise the primary function of the locality or the operations of neighbouring users; and
- The proposed redevelopment is in accordance with other policies in the Development Plan for Trafford.

16. The applicant has submitted an employment land statement within their Design and Access Statement (section 1.7). This states that Henshaws Roofing and Building Supplies Ltd who used the site for storage since 2014 is now under new ownership and the need for storage ceased in 2021.

17. The applicant has not demonstrated that:

- a) There is no need for the site to be retained for employment purposes and it is therefore redundant;
- b) There are no suitable alternative sites, within the locality, to meet the identified need for the proposed development (although it is accepted that there is a need for housing within Trafford);
- c) The proposed redevelopment would not compromise the primary function of the locality or the operations of neighbouring users and
- d) The proposed redevelopment is in accordance with other policies in the Development Plan

18. It is therefore considered that the applicant has not demonstrated that the requirements of Policy W1.12 are met in relation to the loss of employment space. Notwithstanding this, it is considered that given the specific context of the application site, which is a relatively small site bordered by residential development on three sides, as well as the Council's current position in terms of housing land supply, the principle of some form of residential development is likely to be acceptable on this site and it would not be appropriate to refuse the application on this basis.

## DESIGN AND VISUAL AMENITY

19. NPPF, PPG, the National Design Guide (NDG) and the National Model Design Code (NMDC) set out the Government's planning policies and guidance on matters of design. The NDG is considered to be a material consideration in the determination of planning applications and should be attributed significant weight.

20. The current version of the NPPF (20 July 2021), highlights the increased importance given to the consideration of design by the Government. It is clear that a shortfall in housing land supply should not result in a 'development at any cost' approach to decision making.

21. Paragraph 126 of the NPPF states that *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and*

*helps make development acceptable to communities.” Paragraph 134 expands on this and is clear that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guides and codes. Conversely, significant weight should be given to:*

- a) Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

22. Policy L7 advises that, in relation to matters of design, development must be appropriate in this context, make best use of opportunities to improve the character and quality of the area and enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works and boundary treatment.

23. Great emphasis in the PPG and the NDG is placed on the importance of context and identity. This is of course set against the need to support development that makes efficient use of land taking into account inter alia the desirability of maintaining an area’s prevailing character and setting.

24. The publication of the National Design Guide (NDG) in October 2019 emphasises the Government’s commitment to achieving high quality places and buildings. The document outlines and illustrates the Government’s priorities for well-designed places in the form of ten characteristics. These are identified as: context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources, and lifespan. These characteristics can be applied to proposals of all sizes, the document sets out, including new buildings, infill developments, major proposals and larger scale developments such as urban extensions. In a well-designed place an integrated design process would bring the ten characteristics together to create an overall character of place. The NDG repeatedly emphasises the importance of context and identity and at C1 and paragraphs 41-43 says that well-designed new development should understand and relate well to the site, it’s local and wider context, and respond well to the features of the site itself and the surrounding context beyond the site boundary.

25. In taking forward advice in the NPPF and the NDG, this Council is producing its own Trafford Design Code, which has recently gone out for consultation and in time will be adopted as supplementary planning guidance. The document will set out design principles for new development across the Borough, when having regard to local distinctiveness and local vernacular. Adoption is anticipated later in 2023. The Strategic Design Principles in the TDC include ‘Design with

Character and Beauty' and set out that an understanding of the character of a place is essential to producing a contextual, sympathetic and high quality design proposal.

26. It has been recognised at the local level that systemic change is needed to ensure that design and beauty is a core part of the planning process within Trafford with increased emphasis on design and context.
27. The application site is viewed in the context of terraced and semi-detached two storey dwellings to the east, west and north-east of the site, a single storey commercial building immediately opposite the site on the northern side of Higher Road and Higher Road Park to the north-west. The site is also read against a backdrop of two storey terraces on George Street and two storey semi-detached dwellings on Hazel Grove to the rear (south and south west) of the site. A development of two storey terraced dwellings could therefore relate acceptably to the character of the area.
28. Whilst Members resolved in June 2023 to grant the original submission, contrary to officer recommendation, the agent and officers have worked positively and proactively to address many of the issues raised within the officers report, representations and during the meeting itself. It is considered that the amended plans have resulted in notable improvements to the overall design of the proposal however there are some areas where the scheme still fails to fully reflect the context within which it sits.
29. Concerns were raised in relation to the original scheme in relation to the height, scale, massing, roof form, elevational design and materiality and the amount of hard surfacing and lack of scope for soft landscaping on the site frontage.
30. The revised scheme has removed the large dormer from the rear elevation. This element, together with the proposed roof material (standing seam) was originally considered to further add to the dominance of the roof design, being higher than neighbouring properties and of a form that is largely uncharacteristic of the surrounding area, as well as the overall massing of the development. Its removal results in a form that is much more reflective of the surrounding residential buildings and the asymmetrical roof design greatly reduces the building's impact to the rear and allows for the provision of solar panels.
31. The agent has advised that in order to achieve a crisp finish to the roof, in keeping with the contemporary design, the metal standing seam roof has been retained.
32. Whilst officers consider that other design features of the proposal would not reflect those of the immediately adjacent residential properties nor reinforce local distinctiveness, it is acknowledged that the proposal represents a contemporary approach that would be innovative in its design in order to include energy

efficiency measures and follow Passivhaus principles. Though not exceptional, on balance, the proposal is now considered to be an acceptable design response to the site. This is weighed in the overall planning balance at the end of this report.

### RESIDENTIAL AMENITY

33. In addition to ensuring that developments are designed to be visually attractive, the NPPF (paragraph 130) also advises that planning decisions should create places that provide a high standard of amenity for existing and future users.
34. Policy L7.3 of the Trafford Core Strategy states that development must not prejudice the amenity of occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way. As previously stated, L7 is considered to be up to date for decision making purposes and full weight can be attached to it.
35. Core Strategy Policy L5.13 states that development has the potential to cause adverse pollution (or air, light, water, ground) noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place.
36. The application is considered in relation to impact on the amenity of existing neighbouring properties as well as the level of amenity provided for the future occupiers of the proposed development.

### Neighbouring properties

37. PG1 New Residential Development sets out the guidance that relate to all forms of new residential development. With regards to privacy, the Council's Guidelines states that for new two storey dwellings, that the minimum distance between dwellings which have major facing windows is 21 metres across public highways and 27 metres across private gardens. The SPG states that "Where three storey dwellings (houses or flats) are proposed, the minimum distances are increased by 3 metres over the above figures and for four or more storeys, the figures as for 3 storeys apply.
38. With regard to overshadowing, PG1 states that *"In situations where overshadowing is likely with a main elevation facing a two storey blank gable then a minimum distance of 15m should normally be provided. The SPG states that "Distances to rear garden boundaries from main windows should be at least 10.5m for 2 storey houses and 13.5m for 2 storey flats or houses or flats with 3 or more storeys."*
39. The above guidelines are applied when assessing the impact of the proposed development on the existing neighbouring properties.

#### *Impact on 12 to 18 George Street*

40. These properties comprise a row of two storey terraced dwellings located to the south west of the application site. The rear windows of the closest proposed dwelling would be approximately 12.7m from the rear boundary of number 18 George Street and approximately 20.5m between facing elevations. 12 to 16 George Street would be further away. Given that the properties would be offset at an angle, it is not considered that there would be an undue impact on privacy to the accommodation within the neighbouring properties. It is considered that the proposed dwellings would satisfy the guidelines in relation to numbers 12 to 16 George Street in relation to private gardens. There is a small shortfall in the garden boundary distance between the development and 18 George Street, but due to the orientation of the properties, as there are no longer any habitable room windows at second floor level to the rear and as this relationship is not atypical of the area means that on balance this is considered to be acceptable.

#### *Impact on 156 Higher Road*

41. The closest proposed dwelling would project approximately 2m beyond the rear of this neighbouring dwelling to the west of the application site. The dwelling would be set off the boundary by between 2.0m and 2.30m, increasing distance towards the rear of the property. Number 156 is a two storey end terrace with a blank gable adjacent to the application site. It is not considered that the proposal would have any undue overbearing or overshadowing impact on this neighbour having regard to the relationship as set out above.

#### *Impact on 186 Higher Road*

42. 186 Higher Road is a two storey semi-detached dwelling located immediately to the east of the application site. The property has a blank gable elevation facing the site. There is a porch and garage sited between the main gable wall of the dwelling and the application site. The closest proposed dwelling would project approximately 2.8m beyond the rear of this neighbouring dwelling at a distance of between 1.4m and 1.7m. It is not considered that the proposal would have any undue overbearing or overshadowing impact on this neighbour having regard to this relationship.

#### *Impact on 23 and 25 Hazel Grove*

43. These properties comprise a pair of two storey semi-detached dwellings situated to the rear (south) of the application site. The boundary between the rear of these dwellings and the application site is angled with a shorter distance between the rear of number 25 and the proposed dwellings on the eastern side of the application site.

44. The closest rear windows on the property furthest to the east would be only 7m from the rear boundary and the window to window distance between the properties would be approximately 20m. Both figures fall short of the adopted guidelines of 10.5m and 27m respectively. Notwithstanding this, it is

acknowledged that accommodation at the rear of the property at second floor level now comprises a bathroom and wardrobe served by a high level rooflight, which would prevent overlooking from this level. Whereas the original submission would have allowed for clear views to the properties and their gardens to the rear, resulting in undue overlooking and loss of privacy from first and second floor accommodation, there would no longer be any issue from the second floor level. At first floor level, the 27m guideline is applied across private gardens and takes into account the potential future desire of occupants to extend to the rear (on both sides of the boundary). 21m is suggested where there is less possibility of this, across public highways. The removal of permitted development rights for extensions can mitigate against this possibility and is included as a condition. The shortfall in the distance to garden boundaries is not considered to be, on its own, so harmful that a refusal of planning permission would be justified. There are examples of similar separation distances in the surrounding area so it would not be out of character. Furthermore, revised plans show the planting of 4 no. birch trees to the rear boundary of House 5 which would provide additional screening, although it is recognised that this would not provide a permanent feature.

### Future residents

#### *Daylight and Outlook*

45. The proposed development comprises 5 no. 3 bedroom dwellings. All bedrooms and main habitable rooms within the dwellings would be served by windows or dormer windows and therefore afforded an acceptable amount of daylight and outlook. Revised plans have been submitted with accommodation at second floor level being handed, resulting in the bedroom being moved from the rear to the front of the property. This removes the need for the bedroom windows to be fitted with obscure glazing in the interests of amenity for the neighbours as would have been the case under the original submission, whilst also resulting in an overall improved standard of accommodation for future occupiers.

#### *Space Standards*

46. The Nationally Described Space Standards outline that the minimum gross internal floor areas (GIA) and storage for a 2 x double bedroom and 1 x single bedroom (5 person), 3 storey dwelling is 99 square metres. The application properties meet this minimum size and are therefore considered to have an acceptable amount of internal space.

47. The floor area of the proposed single bedroom is approximately 7.3 sq.m and therefore falls marginally short of the NDSS which sets out a *minimum* of 7.5 sq.m. The proposed double bedrooms comply. It is considered that, given the very limited scale of this shortfall in respect of the single bedrooms and the fact that the internal amenity space would otherwise provide a good standard of amenity with clear outlooks to all main habitable rooms, this would not result in an unacceptable level of amenity for future occupiers.



### *Private Amenity Space*

48. PG1 paragraph 13.4 advises that “Around 80sq. m of garden space will normally be acceptable for 3 bedroom semi-detached houses in an area of similar properties.” Paragraph 136 continues “As well as meeting functional requirements, garden space also usually contributes to meeting adequate privacy distances and provides important amenity value to residential areas.”

49. None of the 5 properties comply with the guidelines specified above and indeed, fall considerably short of the guidelines with garden sizes ranging from approximately 41 sq.m to 46 sq.m. Notwithstanding this, it is considered, on balance, that, if permitted development rights were removed for extensions and outbuildings, this would not result in an unacceptable amenity impact for future occupiers such as to justify the refusal of the application on this basis.

### *Noise*

50. The Council’s Pollution and Licensing team has been consulted and raise concerns regarding noise. The premises frontage to Higher Road is likely to be impacted by traffic noise and in addition, there are commercial premises directly opposite that have the potential to cause adverse noise impacts such as from vehicle movements and the use of equipment and machinery. In order to minimise the impact of noise ingress into habitable rooms with views of Higher Road, the windows to such rooms should be fitted with a minimum of standard double glazed units and in addition, a ventilation solution should be provided to enable the windows to be kept closed under normal circumstances, thereby maintaining an effective barrier to noise ingress. The proposed ventilation solution should a) meet the minimum Building Regulations requirements for background ventilation rates and b) not compromise the acoustic sound insulating performance of the glazing. It is therefore recommended that were the application considered otherwise acceptable that any permission should be subject to the attachment of conditions in relation to the submission and approval of a double glazing and ventilation strategy.

### *Electric Vehicle Charging Points*

51. Building Regulations now require EVCPs as a matter of course for new developments. As such there is no requirement for a condition to this effect.

### *Construction and Pre-Construction Phase Impacts*

52. It is recommended that the standard Construction and Environment Management Plan (CEMP) condition would need to be attached to any approval.

### Conclusion on Amenity

53. The proposal fails to comply with the Council’s adopted Supplementary Planning Guidelines for New Residential Development in respect of distances to boundaries and between facing habitable windows of neighbouring properties. As such the proposal would result in overlooking and loss of privacy to these

neighbours and would fail to comply with Policy L7 of the Core Strategy in this respect.

## HIGHWAYS AND PARKING

54. Policy L7 of the Trafford Core Strategy requires development to incorporate a vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety, the provision of sufficient and appropriate off-street car and cycle parking, the provision of, and access to, waste recycling facilities. Matters of accessibility are also a material consideration in the promotion of sustainable forms of transportation.
55. Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
56. The LHA has been consulted and their comments are incorporated within this section of the report.

### *Parking*

57. The car parking standards as detailed within Supplementary Planning Document 3 (SPD3) state that for this location the existing 191 sq./m storage warehouse would require one car parking space per 100 sq./m. Currently, a wide unmarked forecourt area is provided to the front of the warehouse which can accommodate vehicle access and egress.
58. The proposed development comprises 5 no. three-bedroom residential dwelling units, equating to a required (maximum) car parking provision of two spaces per dwelling. It is proposed to provide one space per dwelling which is a shortfall of one space per dwelling when measured against the maximum standards. However, given the proximity of the development to Urmston town centre and access to public transport links, in combination with the existing on-street parking restrictions at this location, the LHA supports a reduced level of parking of one space per unit.
59. The minimum cycle parking standards as detailed within SPD3 state two allocated spaces are required for a two or three-bedroom dwelling unit, which for residential use should be provided in a secure and covered arrangement. It would appear from information seen that it is proposed to provide five cycle stores in a communal area to the rear of, and outside the curtilage of each dwelling, ideally, the LHA prefer the cycle storage is within the curtilage of each dwelling. If the development were otherwise acceptable, a suitably worded condition would address this matter.

### Summary

60. The LHA raise no objections on highway grounds to the proposals subject to conditions as set out above. Nevertheless, the proposed layout to provide adequate parking on site does not satisfactorily address matters of design and visual amenity. The amount and dominance of hard surfacing remains unacceptable.

## ECOLOGY

61. Policy R2 states that developers are required to demonstrate how their proposal will protect and enhance the landscape character, biodiversity, geodiversity and conservation value of its natural surroundings both upon completion and through the construction process. Opportunities should be explored to achieve biodiversity net gain on site as part of the proposals, opportunities for which can be achieved through the detail of the landscape plan, as well as measures such as bat bricks, bat boxes and bird boxes as part of the building design.

62. A bat survey has been carried out and submitted as part of the application. The report concludes overall that roosting potential in the existing building is negligible and no further survey work is necessary.

63. GMEU has been consulted and has no specific comments to make on this application. Standard conditions in relation to biodiversity enhancement and the bird nesting season as well as an informative in relation to responsibilities for protected species would need to be attached if the application were otherwise acceptable.

## FLOODING, DRAINAGE AND CLIMATE CHANGE

64. Trafford Council has declared a Climate Emergency and set a target to become a Carbon Neutral borough by 2038. Development will need to demonstrate how it will support this ambition, particularly if the development's lifetime exists beyond 2038.

65. In line with Core Strategy Policy L5 new development should demonstrate how it will mitigate and reduce impacts on climate change factors and maximise its sustainability through improved environmental performance of buildings, lower carbon emissions and renewable or decentralised energy generation.

66. Non-major developments involving the erection of a building will be encouraged to adopt the principles of energy efficiency and incorporate micro-generation technologies, to help contribute towards reducing CO2 emissions within Trafford.

67. The accompanying Design and Access Statement advises that *“Passivhaus principles have informed the design development, meaning that the homes have balanced glazing, a compact form factor, ample shading and excellent orientation. This will result in extremely energy efficient, comfortable and healthy*

*homes. ... The form factor of a building typically ranges between 2 and 5. When adopting Passivhaus principles we would aim for a form factor of less than 3 (as close to two as possible). ... This low form factor ensures an optimum level of insulation is achievable within a reasonable wall thickness. This makes low energy construction feasible and also minimises the embodied carbon (carbon footprint of the build)."*

68. The Design and Access Statement further advises that the dwellings could include an Air Source Heat Pump (ASHP) within the porch and concealed Photovoltaic Panels on the roof (PV). "If certified as Passivhaus they could be the first of their kind in Urmston and potentially Greater Manchester."
69. The proposed energy efficiency measures and environmental benefits brought about as a result of the design carry moderate weight in the planning balance.
70. In relation to drainage, a revised drainage strategy was submitted and reviewed by the Lead Local Flood Authority (LLFA). The LLFA has found the revised drainage scheme acceptable however subject to appropriately worded conditions requiring a management and maintenance plan for the lifetime of the development. A condition would also be required securing the implementation of the submitted amended drainage scheme.

## TREES AND LANDSCAPING

71. Policy R2 of the Core Strategy seeks to ensure the protection and enhancement of the natural environment with woodland, hedgerows and trees being considered Borough assets. This is supported by Policy R3 which reiterated the Council's determination to work with local communities, developers and partners to develop an integrated network of high quality and multi-functional green infrastructure.
72. There are no trees on site. There is a line of hedging to the south in the neighbouring property but the construction works are not near enough to have an impact and the boundary fence would provide protection.
73. Table 3.3 within Revised SPD1 'Planning Obligations' sets out that 3 no. trees would be expected to be planted per residential unit; this could be part of a site-wide landscaping scheme. The revised scheme includes the planting of 4 no. birch trees to the rear boundary to provide additional screening to neighbouring properties. Additional areas for proposed landscaping are limited within the development with restricted garden size and limited frontage planting. This further weighs against the scheme in the planning balance.

## OTHER MATTERS

Equalities:

74. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
75. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:
- (i) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (ii) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (iii) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
76. Case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications, and with this requirement directly stemming from the Equality Act 2010.
77. The agent has advised that the homes themselves have been designed so that they could be Part M4(2) Accessible and Adaptable Dwellings. Stairs are sized to accommodate stairlifts, there will be level thresholds to the front and additionally to the sliding doors at the back and the site in general will be level with step free access into and around the homes.
78. It is considered that the measures proposed to provide a facility accessible to all (including those required through the Building Regulations application), would on balance provide an appropriate, practical and reasonable response to the equalities impacts of the scheme.

### Other Representations

79. Letters of representation have queried the proposed boundary treatment (wall and fence). A condition is recommended for this detail to be agreed by the LPA. For clarification, a condition preventing the gate to be propped open is neither considered reasonable or enforceable and is not recommended for those reasons.
80. It is not possible to provide reassurance that neighbours' trees won't be threatened by a high hedges notice.

81. Further representations have suggested that not all neighbouring properties have received consultation letters and that this was as a result of having incorrect addresses for properties to the rear of the site. This was an error in the previous Committee report, however it is confirmed that consultation letters were sent in accordance with the Council's Statement of Community Involvement.
82. Odours from bin stores and noise from future occupants of families within this small development of 5 properties are not considered to be of a level that would cause harm.
83. Any permission granted is based on the approved plans and not illustrations provided within the Design and Access Statement or any accompanying documents. It is not unusual for a Design and Access statement to become out of date with the submission of amended plans.

## **DEVELOPER CONTRIBUTIONS**

84. This proposal is subject to the Community Infrastructure Levy (CIL) and is located in the 'moderate zone' for residential development, consequently private market houses will be liable to a CIL charge rate of £40 per square metre, in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).
85. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure. This matter is addressed in Paragraph 81 above. No other obligations are necessary for a scheme of this size.

## **PLANNING BALANCE**

86. Section 38(6) of the Planning and Compensation Act 1991 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision making. The NPPF is an important material consideration.
87. NPPF paragraph 11(d) sets out the 'presumption in favour of sustainable development.' Paragraph 11d applies to the decision-taking process where there are no relevant development plan policies or the policies which are 'most important' are out of date.
88. Paragraph 11d(ii) is engaged given the absence of a five year housing land supply. The engaging of paragraph 11d(ii) in these circumstances is to introduce a 'tilted balance' in support of residential applications unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.'

### **Scheme benefits**

89. There are considered to be economic, social and environmental benefits arising from the proposed development, aligning with the NPPF in terms of the three overarching objectives to achieve sustainable development. The amount of weight to be attributed to each benefit is set out in turn.
90. The provision of 5 family sized residential dwellings is a modest number but would nonetheless contribute in a meaningful and positive way to the Council's housing land supply and boost the supply of new homes in line with NPPF paragraph 60. Even greater weight is given to this social benefit given that this is a Borough with an acknowledged shortage of housing. In view of the Council's current position of housing delivery in the Borough, this carries substantial weight. The social benefits are further enhanced through the provision of accessible and adaptable homes within a sustainable location.
91. Economic benefits would arise through the creation of construction jobs although these are moderate in number and temporary in nature. Limited weight is therefore attributed to these economic benefits.
92. Environmentally, the proposed development makes good use of a brownfield site, providing homes close to services, reducing the need to travel etc. Whilst it is a basic policy requirement that development should be sustainably located, the proposed development goes beyond this with its design, incorporating Passivhaus principles. The development would provide environmental benefits through the provision of energy efficient homes and this is given moderate weight.

#### Scheme harms

93. The main harms result from the design of the proposed scheme and its impact on neighbouring properties.
94. Officers consider that the proposal fails to relate contextually to the street scene and character of the surrounding area in some respects, although in itself, and on balance, the design of the scheme is considered to be acceptable. This is in direct conflict with Policy L7 and adopted PG1 as well as relevant sections of the NPPF and the NDG. It is also recognised that this particular design approach provides environmental benefits via Passivhaus principles as set out above. For this reason, minor harm is attributed to the design shortcomings of the development.
95. The proposal would also result in a degree of overlooking and loss of privacy to properties to the rear. Whilst this relationship has been significantly improved through the loss of the dormer and changes to the layout of the second floor accommodation and windows serving this, and on balance the separation distances proposed are considered to be acceptable given mitigation via the

removal of permitted development rights and as they reflect similar separation distances in the area, the proposal still fails to comply with the minimum distances in relevant adopted supplementary planning guidance and this is given moderate weight.

### Planning Balance Conclusion

96. Substantial weight is given to the contribution the scheme would make to the Borough's housing land supply, in a situation where there is a shortfall below the 5 year requirement. The exercise under the tilted balance has been carried out, and the harms arising from the proposal are considered to be outweighed by the benefits when tested against NPPF Paragraph 11d(ii). Furthermore, whilst there remains some harm in relation to design and context, the proposal represents a welcome overall improvement to the original submission that was brought to Committee in June.

97. The proposal is considered to comply with the development plan as a whole. No adverse impacts are identified that would significantly and demonstrably outweigh the benefits of the proposed scheme, when assessed against the policies within the NPPF. As such the application is recommended for approval.

## **RECOMMENDATION**

### **GRANT subject to the following conditions**

1. The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the amended plans, numbers:

- 20030-PIP-XX-00-DR-A-PL-0001 Rev P01
- 20030-PIP-XX-00-DR-A-PL-0500 Rev P04
- 20030-PIP-XX-00-DR-A-PL-1001 Rev P04
- 20030-PIP-XX-XX-DR-A-PL-2001 Rev P03
- 20030-PIP-XX-XX-DR-A-PL-2002 Rev P01
- 20030-PIP-XX-XX-DR-A-PL-2101 Rev P01

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and protecting the character of the area having regard to Policies L7 and R1 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.



3. PHPP (Passivhaus Planning Package) modelling shall be undertaken prior to the development first taking place to demonstrate the feasibility of achieving Passivhaus standard with details to be submitted to and approved in writing by the Local Planning Authority. As a minimum, AECB standard should be achieved. Development shall be carried out in accordance with the approved details.

Reason: In the interests of energy efficiency and having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework and given the weight attached to the environmental benefits of the scheme in the decision making process.

4. Notwithstanding any description of materials in the application, no above ground works shall take place unless and until samples and full specification of all materials (brickwork, render, windows, doors, roof covering, rainwater goods etc.) to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and protecting the character of the area having regard to Policies L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

5. All window and door openings shall be constructed with minimum 90mm deep external reveals.

Reason: In order to ensure a satisfactory appearance to the development having regard to Policy L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

6. Notwithstanding the details hereby approved, no development above ground level shall take place until detailed plans and sections at a scale 1:20 have been submitted and approved in writing by the Local Planning Authority showing:
  - i. All external window and door systems, (including technical detail (mullions and transoms, methods of openings), elevation, plans and cross sections showing cills and reveal depths/colour at scale 1:10;
  - ii. Design and material of all main entrances including surrounds and treatment of façade and roof edges;
  - iii. Rainwater goods (including locations, fixing, material and colour);
  - iv. Front boundary treatment and gates;

The development shall thereafter be carried out solely in accordance with the approved details.

Reason: To ensure a high quality standard of development and to safeguard the visual amenities of the locality, in accordance with Policy L7 of the Trafford Core Strategy.

7. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants/trees to be retained and a scheme for the timing/phasing of implementation works.
- b) The landscaping works shall be carried out in accordance with the approved scheme for timing/phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.
- c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

8. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework. The fencing is required prior to development taking place on site as any works undertaken beforehand, including preliminary works, can damage the trees.

9. No part of the development shall be occupied until details of the type, siting, design and materials to be used in the construction of boundaries, screens or retaining walls have been submitted to and approved in writing by the Local Planning

Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: In the interests of amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

10. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors;
- ii. Loading and unloading of plant and materials;
- iii. Storage of plant and materials used in constructing the development;
- iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. Wheel washing facilities, including measures for keeping the highway clean;
- vi. Measures to control the emission of dust and dirt during construction;
- vii. A scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii. Hours of construction activity;
- ix. Information on how asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors;
- x. Contact details of site manager to be advertised at the site in case of issues arising;

Reason: To ensure that appropriate details are agreed before works start on site and to minimise disturbance and nuisance to occupiers of nearby properties and users of the highway, having regard to Policies L4 and L7 of the Trafford Core Strategy.

11. The site shall be drained via separate systems for the disposal of foul and surface water.

Reason: To secure a satisfactory system of drainage and to prevent pollution of the water environment having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

12. The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available prior to the development being first brought into use and shall be retained thereafter for their intended purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any equivalent Order following the amendment, revocation and re-enactment

thereof, no development (other than that carried out in accordance with this permission) shall take place on any of the areas so provided.

Reason: To ensure that satisfactory provision is retained within the site for the accommodation of vehicles attracted to or generated by the proposed development, having regard to Policies L4 and L7 of the Trafford Core Strategy and the Council's adopted Supplementary Planning Document 3 – Parking Standards and Design and the National Planning Policy Framework.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2 Part 1 and 2 (or any equivalent Order following the amendment, re-enactment or revocation thereof)
- (i) no extensions shall be carried out to the dwellings
  - (ii) no garages or carports shall be erected within the curtilage of the dwelling
  - (iii) no windows or dormer windows shall be added to the dwellings other than those expressly authorised by this permission, unless planning permission for such development has first been granted by the Local Planning Authority.

Reason: To protect the residential and visual amenities of the area, privacy, and/or public safety, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

14. No development shall take place unless and until details of existing and finished site levels relative to previously agreed off-site datum points have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of amenity and in compliance with Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

15. No clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird nesting season (March-July inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during the period of works on site. The mitigation strategy shall be implemented as approved.

Reason: In order to prevent any habitat disturbance to nesting birds having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

16. No building hereby approved shall be occupied unless and until a scheme for secure cycle storage has first been submitted to and approved in writing by the Local

Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall be retained at all times thereafter.

Reason: To ensure that satisfactory cycle parking provision is made in the interests of promoting sustainable development, having regard to Policies L4 and L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 3: Parking Standards and Design, and the National Planning Policy Framework.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or replacing that Order), the flat roof area of the proposed new dwellings shall not be used as a balcony, terrace, roof garden or similar amenity area, and no railings, walls, parapets or other means of enclosure shall be provided on that roof unless planning permission has previously been granted for such works.

Reason: To protect the privacy and amenity of the occupants of the adjacent dwellinghouse, having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the National Planning Policy Framework.

18. The development hereby approved shall be carried out in accordance with the amended drainage layout (drawing 001 Rev C received 15 June 2023). The development shall not be occupied unless and until such works as approved are implemented in full and they shall be retained and maintained as such thereafter.

Reason: To prevent the increased risk of flooding, having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

19. The development hereby permitted shall not be occupied until a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime has been submitted to and approved in writing by the Local Planning Authority. Management and maintenance of the sustainable urban drainage scheme shall be undertaken in accordance with the approved details.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

20. Other than the demolition of buildings and structures down to ground level, and site clearance works, including tree felling, no development shall take place until an investigation and risk assessment in relation to contamination on site (in addition to any assessment provided with the planning application) has been submitted to and

approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above. The submitted report shall include:

- i. A survey of the extent, scale and nature of contamination;
- ii. An assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;
- iii. Where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site;
- iv. A remediation strategy giving full details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall thereafter be carried out in full accordance with the approved remediation strategy before the first occupation of the development hereby approved.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the health of future occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework. The assessment is required prior to development taking place on site to mitigate risks to site operatives.

21. The development hereby permitted shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan, where required (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the health of future occupiers in accordance with Policies L5 and L7 of the Trafford Core Strategy and the National

Planning Policy Framework. The assessment is required prior to development taking place on site to mitigate risks to site operatives.

22. No above ground construction works shall take place unless or until a scheme detailing the provision for biodiversity enhancement throughout the site has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure suitable biodiversity measures are incorporated into the development, having regard to Policy R2 of the Trafford Core Strategy and the NPPF.

23. No development shall take place until details of the bin stores, which shall include accommodation for separate recycling receptacles for paper, glass and cans in addition to other household waste, have been submitted to and approved in writing by the Local Planning Authority. The approved bin stores shall be completed and made available for use prior to the first occupation of the dwellings and shall be retained thereafter.

Reason: In the interests of promoting sustainable travel having regard to Policies L4 and L5 of the Trafford Core Strategy and the National Planning Policy Framework.

24. Dusk til dawn lighting shall be installed on all doors prior to the occupation of the dwellings hereby approved in accordance with details submitted to and approved in writing at all times by the Local Planning Authority. The approved lighting shall be installed and thereafter retained at all times.

Reason: In the interests of security, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

25. The development hereby approved shall be constructed to meet Building Regulations M4(2) 'accessible and adaptable dwellings.'

Reason: In order to ensure that the dwellings are accessible and adaptable to meet the changing needs of occupants and visitors having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework and given the weight attached to this in the decision making process.

26. Prior to any above ground development taking place, details of a suitable double glazing and ventilation strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall confirm the acoustic performance of the glazing and ventilation products and demonstrate how an adequate means of ventilation can be provided to habitable rooms facing Higher Road whilst keeping windows closed. The glazing shall meet a minimum acoustic performance of 25dB Rw + Ctr. The ventilation products shall meet a minimum acoustic performance of 32dB D,n,e, to ensure that their use does not compromise the overall sound

insulating performance of the façade. Where more than one ventilation unit is required to achieve the background ventilation, the  $D_{n,e}$  of the combined ventilators should meet this criterion. The approved scheme shall be retained and maintained for the lifetime of the development.

Reason: In the interests of residential amenity, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

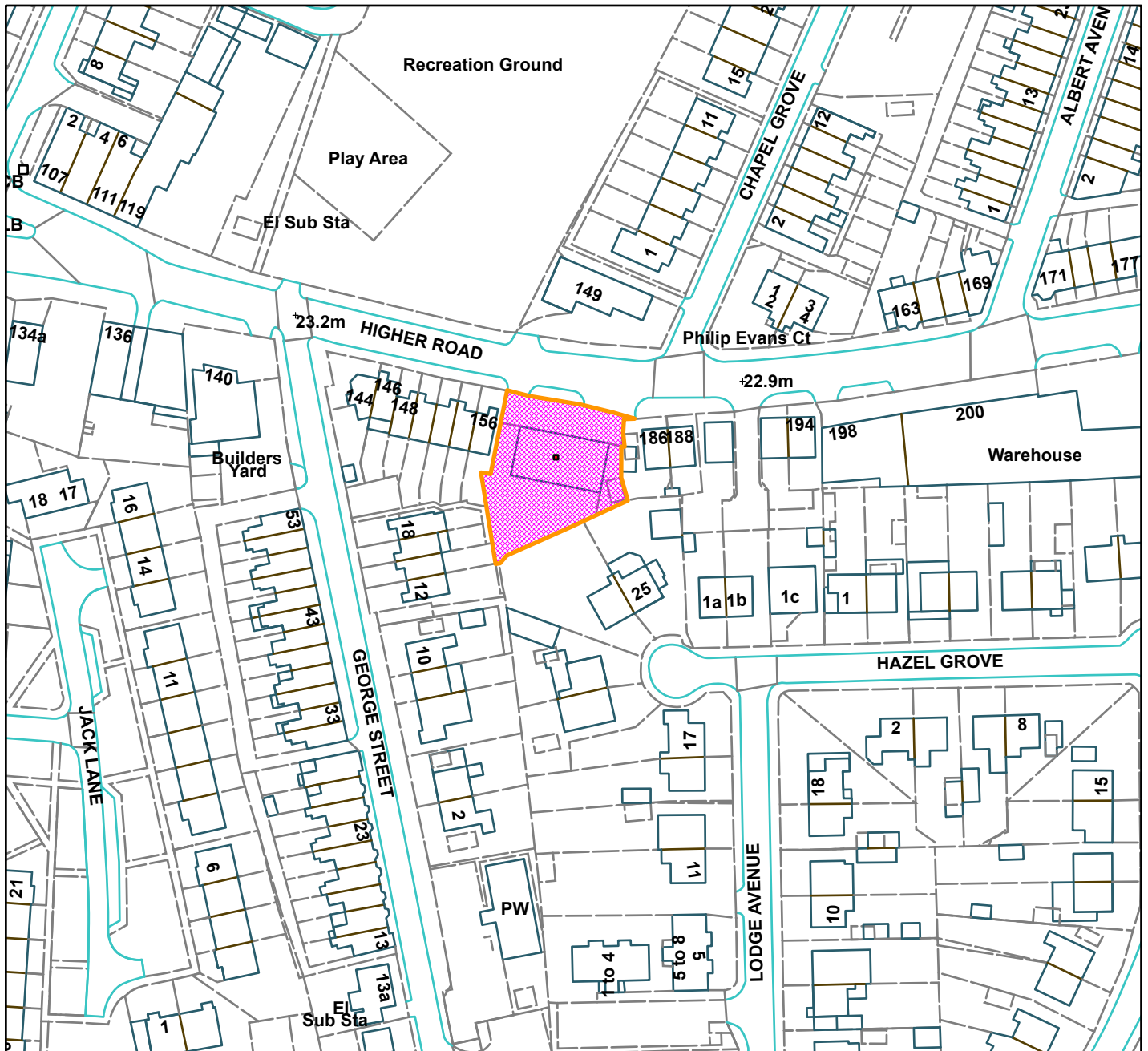
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JE





160 Higher Road, Urmston (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 12/10/2023
Date	02/10/2023
MSA Number	AC0000809316 (2022)

**WARD:** Timperley North

**110896/HHA/23**

**DEPARTURE: No**

**Erection of part single storey, part two storey side extension, part single storey, part two storey rear extension with rooflights and new front porch.**

177 Sylvan Avenue, Timperley, WA15 6AE

**APPLICANT:** Mr Rafi Lewis

**AGENT:** Mr Rory Donnelly

**RECOMMENDATION: GRANT SUBJECT TO CONDITIONS**

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**The application is reported to the Planning and Development Management Committee as it has been called in by Councillor Frass due to concerns about the massing of the proposed extension and impact on light to the neighbouring property.**

### **SITE**

The application site consists of a two storey semi-detached dwelling situated on the north western side of Sylvan Avenue in Timperley. The surrounding area is predominantly residential in nature, with mostly detached and semi-detached properties. The application dwelling has an existing single storey rear extension (to be replaced by the proposal) and a detached outbuilding situated within the rear garden.

### **PROPOSAL**

Planning permission is sought for the erection of a part single, part two storey side extension and a part single, part two storey rear extension alongside a single storey front porch.

The front porch would project approximately 1m to the front and 2m across. It proposes a pitched roof with an eaves height of 2.3m and a ridge height of 3m.

The side extension would project approximately 1m to the side, with a depth of 11.25m (8.75m at first floor level). It proposes pitched roofs with an eaves heights of 2.35m and 5.1m and ridge heights of 3.1m and 6.5m.

The ground floor rear extension would project 3.5m to the rear with a total width of 6m. It proposes a flat roof with a total height of 3.4m. The first floor rear extension would project 3.5m in total to the rear and 4.2m across. It proposes a pitched roof with an eaves height of 5.1m and a ridge height of 6.5m.

The extension would be constructed with matching materials to the main dwelling and the increase in floor space of the proposed development would be less than 100m<sup>2</sup>.

## **VALUE ADDED**

Amended plans were received upon request in order to reduce the rear extension(s) in their rear projections. A further amendment was also received upon request to set the first floor side extension back so to reduce the impact towards side neighbours in respect of overshadowing and overbearing.

## **DEVELOPMENT PLAN**

**For the purposes of this application the Development Plan in Trafford comprises:**

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Parking

L7 – Design

For the purpose of the determination of this planning application, these policies are considered 'up to date' in NPPF Paragraph 11 terms

## **OTHER LOCAL POLICY DOCUMENTS**

SPD4 – A Guide for Designing House Extensions and Alterations

## **PROPOSALS MAP NOTION**

None

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

None

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

DLUHC published the latest version of the National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

## **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated on 25<sup>th</sup> August 2022. The NPPG will be referred to as appropriate in the report.

## **PLACES FOR EVERYONE**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in Public of the PfE Submission Plan and the timetabled hearings have now been completed with further updates from the Inspectors possible. Whilst PfE is at a significantly advanced stage of the plan making process, for the purposes of this application it is not yet advanced enough to be given any meaningful weight, such that it needs consideration in this report.

## **RELEVANT PLANNING HISTORY**

None

## **APPLICANT'S SUBMISSION**

CIL Questions  
Topographical Survey  
Design & Access Statement  
Arboriculture Impact Assessment  
Amended plans

## **CONSULTATIONS**

None

## **REPRESENTATIONS**

Two neighbour representations have been received in response to the proposal, with objections from no. 175 and 179 Sylvan Avenue. These comments are summarised below:

From no. 175 Sylvan Avenue:

- Requesting details on the proposed measurements and indication on when the work would start and how long it would take.
- Development appears very close to our boundary and if this is the case we would

like to know how they propose to access this space?

- Enjoy patio area on a daily basis and ensure the space is light and airy as due to the direction the house lays, the back dining room can be a little on the dark side. We just want to ensure that nothing will cause the room to be even darker so need the fence and gazebo to stay in situ.

From no. 179 Sylvan Avenue

- The extension is to be two-storey along the side and back, our kitchen window is on the side elevation facing the side of number 177 and a huge brick wall just the other side of the fence will undoubtedly cause loss of light to the kitchen, especially during the winter months when the sun doesn't reach this side of the house. Also, the two-storey extension at the back of 177 will overshadow our patio area.
- Strongly object to the size of the proposed extension as it will cause loss of light and overshadowing to the side of our property.

## **OBSERVATIONS**

### PRINCIPLE

1. Householder extensions and alterations are acceptable in principle subject to there being no undue harm to the character and appearance of the property or streetscene through unsympathetic design or unacceptable harm to the amenity of neighbouring properties and residential areas. Further to this, issues relating to parking provision are also to be considered. There are no additional constraints in this instance. The proposal has been considered/assessed against Core Strategy with Policy L7 and guidance contained in SPD4 and the NPPF.

### DESIGN AND VISUAL AMENITY

2. Paragraph 126 of NPPF states '*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*'
3. Policy L7 of the Core Strategy states that in considering applications for development within the Borough, the Council will determine whether or not the proposed development meets the standards set in national guidelines and the requirements of Policy L7. The relevant extracts of Policy L7 require that development is appropriate in its context; makes best use of opportunities to improve the character and quality of an area by appropriately addressing scale,

density, height, layout, elevation treatment, materials, landscaping; and is compatible with the surrounding area.

4. The proposed side and rear extension(s) although large, are considered to be appropriate in terms of design and scale, with suitable heights so to appear subservient to the host and in proportion with the site plot. The side extension would retain a minimum 1m gap to the shared boundary with no. 179 Sylvan Avenue which would avoid any terracing effect and allow access to the rear, in compliance with SPD4.
5. The side extension would project by 1m from the side elevation of the dwelling, significantly less than half the width of the host dwelling and is considered acceptable in scale. It would set back from the main principal elevation at first floor by 2.5m, which would reduce prominence in relation to the street scene. The proposed hipped roof would match the roof form of the host dwelling. It would be set down from the main ridge, with the eaves matching the eaves level of the host dwelling, to maintain a subservient appearance.
6. The rear extension has been amended so to reduce the rear projection to 3.5m at both ground and first floor level. Given that a significant garden space would still be retained, the overall scale, form and massing of the rear extension are considered acceptable and would not dominate the original property. The hipped roof would be set down from the main ridge and the eaves height would correspond with the eaves height of the main roof, which is acceptable in appearance.
7. The proposed front porch extension would be modest in scale and in keeping with the character of the main dwelling and street scene. The front porch would project approx. 1m from the front elevation of the dwelling. Although this would be 0.35m further than the existing front bay window, the porch would not appear unduly prominent within the street scene or out of character, given that a significant front garden space would still be retained.
8. The proposed window design replicates the original windows of the host dwelling and is considered acceptable. Furthermore the extension would be constructed with matching materials and would appear in keeping with the character of the surrounding residential area.
9. Overall it is considered that the proposal would be of an acceptable scale and design in relation to the existing dwelling and not harm the visual amenity of the street scene and the surrounding area. Subject to conditions, the proposed development is considered acceptable in terms of design and visual amenity and would comply with Policy L7 of the Core Strategy and guidance in the NPPF in this respect.

## RESIDENTIAL AMENITY

10. Policy L7 of the Core Strategy states that in relation to matters of amenity development must not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise or disturbance, odour or in any other way.

11. The relevant guidance contained within SPD4 states the following:

Paragraph 2.14.2 states *'It is important that extensions or alterations:*

- *Do not adversely overlook neighbouring windows and/or private gardens areas.*
- *Do not cause a significant loss of light to windows in neighbouring properties and/or their patio and garden areas.*
- *Are not sited so as to have an overbearing impact on neighbouring amenity.'*

Paragraph 2.16.1 states *'An extension positioned too close to a boundary, may cause a loss of sunlight and/or daylight to a neighbour's window or garden. An extension that would overshadow your neighbour to an unreasonable extent would not be considered acceptable. Care should be taken that the extension is not positioned in such a way as to cause unreasonable overshadowing to a*

Paragraph 3.4.2 states that *"normally, a single storey rear extension close to the boundary should not project more than 3m from the rear elevation of a semi-detached property. This projection can be increased by an amount equal to the extra distance from the side boundary."*

3.4.3 states that *"For two storey rear extensions, normally extensions should not normally project more than 1.5m close to a shared boundary. If the extension is set away from the boundary by more than 15cm, this projection can be increased by an amount equal to the extra distance from the side boundary (e.g, if an extension is 1m from the side boundary, the projection may be increased to 2.5m)."*

#### Impact on neighbours to front and rear

12. A distance exceeding the recommended 21m would be retained in relation to front neighbours, located across the street and given the set back of the two storey side extension and scale of the porch this is not considered to impact on the amenity of neighbouring properties. Similarly a significant distance exceeding 21m would be retained to the rear neighbouring dwellings. As such no harm is considered to occur to the properties to the front or rear of the application site from the proposed development.

#### Impact on no. 175 Sylvan Avenue

13. The majority of the side extension would be screened by the main dwelling in relation to the attached neighbour, no.175 Sylvan Avenue. The single storey rear extension would have a rear projection of 3.5m with a separation distance of 0.5m from the shared boundary with the attached neighbour, so to comply with SPD4 (3.4.2), allowing for a total rear projection of up to 3.5m.
14. The first floor rear extension would project approximately 3.5m in total to the rear with a separation distance of 2.35m from the shared boundary with the attached neighbour, 175 Sylvan Avenue. It would therefore be in accordance with the guidelines contained within SPD4.
15. The extensions, given their scale and separation to the common boundary with no. 175 are not considered to result in harm to amenity through harm to overlook or being unduly overbearing. The comments from no. 175 are noted and however given the orientation of the site the proposal is not considered to result in harmful overshadowing and whilst the proposal would have an impact on outlook and the environment of the patio at no. 175, this change is not considered to be so severe to be considered harmful to amenity or justify a refusal of planning permission.

#### Impact on no. 179 Sylvan Avenue

16. The part single, part two storey side extension would retain a 1m gap to the shared boundary with no.179, resulting in a separation of approximately 3.5m between the side elevation of no.179 and that of no.177. This is only a reduction of 1m on the existing relationship. There are several windows on the side elevation of no.179, whilst the first floor windows are obscure glazed the ground floor windows are clear glazed and which, at least in part, serve habitable rooms. Towards the rear of the side elevation is a large window and adjacent door, which appear to serve a kitchen space. Whilst the outlook and light to this window and door would change and reduce, there is another window on the rear elevation of the outrigger providing a secondary and alternative light and outlook source. Therefore given the modest reduction in separation between the properties and available light from other windows, on balance it is not considered the proposal would cause a harmful impact in regards to outlook or be unduly overbearing.
17. It is acknowledged that given the orientation of the site, the proposed side extension would cause some overshadowing and loss of light impacts to no.179's side windows. However, the depth of the proposed first floor extension has been reduced by 2.5m towards the front (south) during the application, to increase the sunlight to the side elevation of no. 179, which will help to maintain light levels to the windows. On balance the proposed side extension is not considered to cause a harmful loss of light or overshadowing that would warrant refusal.



18. The ground floor side windows of the extension would not benefit from an elevated position that would cause a harmful overlooking impact given the screening of the boundary fence. The proposed first floor side openings serve a bathroom and staircase and as such can reasonably be conditioned as obscurely glazed and fixed shut to 1.7m to avoid harmful overlooking and loss of privacy.
19. The proposed rear extension, at ground floor level, sited 1m to the shared boundary with no.179, would have depth of 3.5m, in compliance with SPD4 (guidance limit is 4m in this case). Therefore given the scale of this element and separation to the side boundary it would not cause an overbearing or overshadowing impact on no.179.
20. The proposed first floor rear extension, sited 1m to the shared boundary with no.179, would have depth of 3.5m from the main rear wall, which would exceed the SPD4 recommended projection limit by 1m (guidance limit is 2.5m in this case). However, no.179 features a single storey rear outrigger of approx. 3m in depth, therefore the proposed first floor extension would only project approx. 0.5m beyond the rear elevation of no.179. As such, although the neighbour concerns of overshadowing to the ground floor windows and rear patio area are noted, the proposal is not considered to result in unacceptable levels of overshadowing or a sense of overbearing given the projections outlined above and orientation of the site, with the extension located to the north west.
21. It is therefore considered that the proposed extension would not have an unacceptable impact on the residential amenity of any neighbouring properties and would comply with Policy L7 of the Core Strategy in this respect.

## PARKING AND HIGHWAY SAFETY

22. The extension would not remove potential parking space at the side of the dwelling given the gap to the boundary from the existing side wall is only approximately 2m wide. The proposal would create one additional bedroom for a total of four. A minimum of one off-street parking space would be retained on site and there is some scope for parking on street. It is therefore considered that there would not be an unacceptable parking impact.

## DEVELOPER CONTRIBUTIONS

23. The proposed development increases the internal floor space of the dwelling by less than 100m<sup>2</sup> and therefore is below the threshold for charging. No other planning obligations are required.

## PLANNING BALANCE AND CONCLUSION

24. The side and rear extensions would be large additions to the property, however given their massing and design in relation to the existing dwelling they are

considered to be proportionate and not to cause harm to the character and appearance of the dwelling or street scene by reason and therefore considered appropriate within the site context.

25. The concerns and objections of neighbours have been considered and it is acknowledged that the proposal would have a degree of impact on the amenity of the properties either side y and impact it has on adjacent dwellings. However given the scale and design of the proposal, separation to the boundaries and orientation of the site this impact is not considered to be so severe as to be harmful and warrant refusal of planning permission.

26. All relevant planning issues have been considered and representations taken into consideration in concluding that the proposal comprises an appropriate form of development for the site, compliant with policy L7 of the Trafford Core Strategy, SPD4 and the NPPF. The application is therefore recommended for approval.

**RECOMMENDATION: GRANT subject to the following conditions:-**

1. The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on plan numbers: PL01; PL 02 Rev: C; PL 03 Rev: C.

Reason: To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

3. The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing building.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the requirements of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the windows in the first floor on the north-east side elevation facing no. 179 Sylvan Avenue shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less

than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

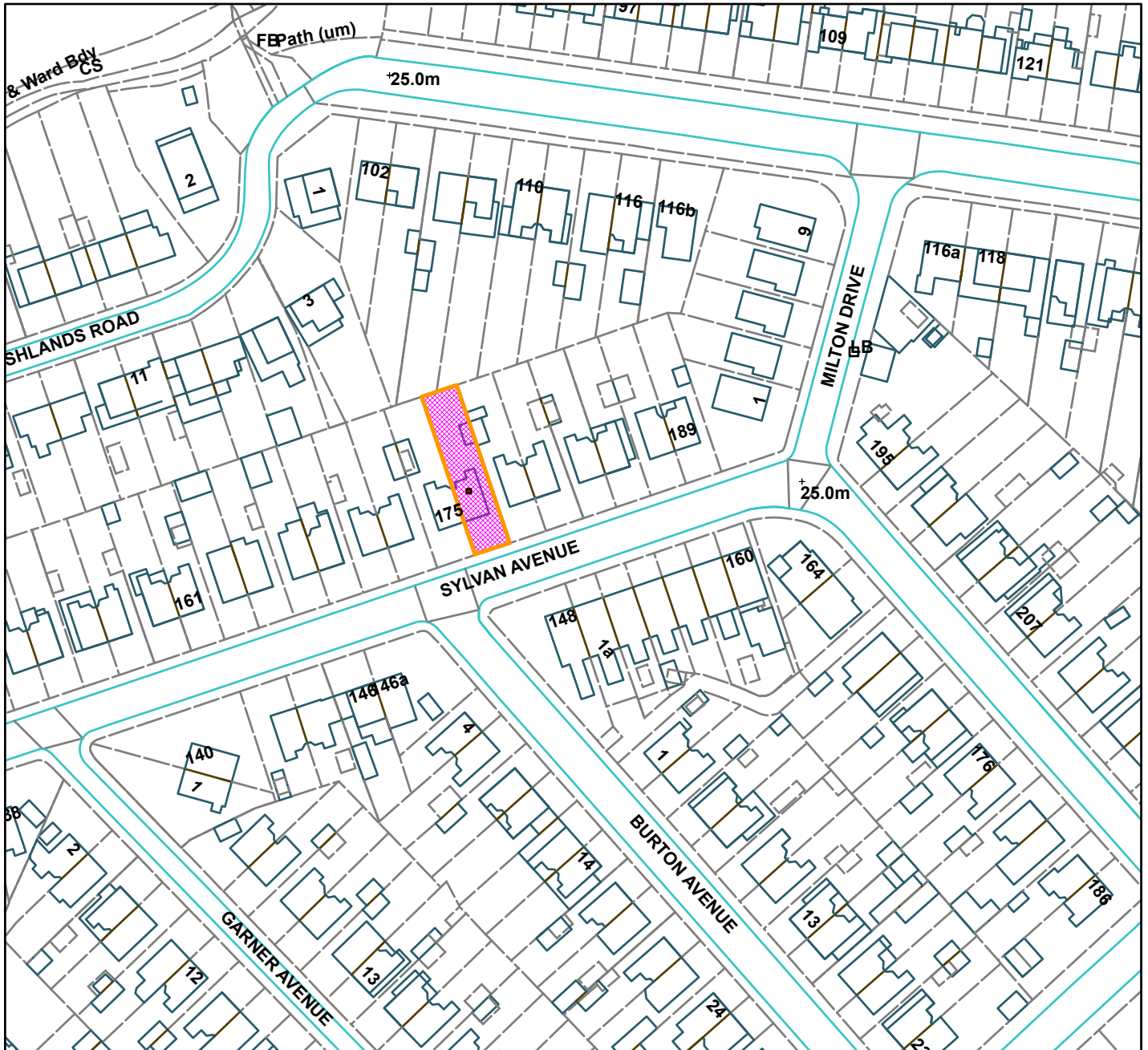
Reason: In the interest of amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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MT



177 Sylvan Avenue, Timperley (site hatched on plan)



Scale: 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date -12/10/2023
Date	02/10/2023
MSA Number	AC0000809316 (2022)

**WARD:** Hale Barns &  
Timperley South

**111137/VAR/23**

**DEPARTURE: No**

**Application under Section 73 of the Town and Country Planning Act 1990 (as amended) for variation of condition 24 on planning permission 74747/FULL/2010 (Erection of new three storey school building incorporating swimming pool & sports hall located to north west side of site. Formation of new all weather pitch with floodlighting and security fencing, 2 x grass rugby pitches, one junior football pitch, retention of existing grass rugby pitch and erection of detached maintenance store. Creation of additional vehicular access onto Hale Road. Provision of new car parking, cycle stands and on site coach/school bus parking area. New hard and soft landscaping throughout site. Demolition of existing school buildings and ancillary structures.). To change the hours of use of the MUGA pitches on Monday - Friday from 09:00 - 19:00 to 09:00 - 20:00 excluding Bank Holiday's.**

St Ambrose College, Hale Road, Hale Barns, Altrincham, WA15 0HE

**APPLICANT:** Saint Ambrose College

**AGENT:**

**RECOMMENDATION: GRANT**

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**The application has been reported to the Planning and Development Management Committee as more than six representations from separate addresses have been received contrary to officer recommendation and has also been 'called in' for consideration by Councillor Butt due to concerns that the proposal would significantly impact the surrounding properties.**

### **Executive Summary**

The application relates to the two 'Multi-Use Games Area' (MUGA) artificial pitches within the grounds of St. Ambrose College. The application seeks permission to vary condition 24 of planning permission 74747/FULL/2010, to extend the hours of use of the two MUGA pitches, which have floodlights, by an additional hour in the evenings until 8pm on Mondays to Fridays, excluding bank holidays.

The proposed extend hours of use are not considered to have an unacceptable impact on residential amenity or highway safety and are considered to be acceptable and when considered against all other material planning considerations.

The proposal is considered to be in accordance with the development plan, and should therefore be approved without delay in accordance with NPPF paragraph 11(c). As such

the application is recommended for approval, subject to the conditions listed in the main report.

## **SITE**

The application relates to two 'Multi-Use Games Area' (MUGA) artificial pitches within the grounds of St. Ambrose College, both of which benefit from existing floodlights. The College is primarily accessed from the southern side of Hale Road. Residential dwellings bound the site to the south and the west. St. Ambrose Preparatory School and Holy Angels Church bound the site the east.

The MUGAs which are the subject of this application are located within the south-eastern area of the site. The College grounds also benefit from large turf pitches to the south-west corner and north-eastern corner of the site, which are not the subject of this application.

## **PROPOSAL**

The application seeks planning permission to vary condition 24 of planning permission 74747/FULL/2010. The original planning permission related to the redevelopment of the College site, which resulted in the modern buildings now seen on site, which were completed in 2012. Condition 24 of planning permission 74747/FULL/2010 states: -

*The applicant will submit for approval a pitch management plan to ensure that disturbance to neighbours is kept to a minimum. The pitches must only be used within the following times:*

*Monday - Friday 0900 to 1900 hrs use of all school pitches.*

*Saturday 0900 to 1700 hrs use of all school pitches.*

*0900 to 1900 hrs use of cricket pitch in summer.*

*No use of any pitch on Sundays or Bank Holidays.*

*Reason: In the interests of residential amenity having regard to Proposal D1 of the Revised Trafford Unitary Development Plan.*

This application seeks to vary this condition to allow for the two MUGA pitches to be used for an additional hour in the evenings, until 8pm on Mondays to Fridays, excluding bank holidays and public holidays.

## **Background**

The College submitted an application in 2022 (reference 106927/VAR/22), which sought to vary condition 24 to allow for school and community use of all facilities including the astroturf pitch on weekdays until 10pm and on Saturdays from 9am to 7pm. Following concerns from Officers regarding the impact of these later hours of use on the amenity of neighbouring residents, the applicant chose to withdraw that application.

## Section 73 Application

This is an application under s73 of the Town and Country Planning Act 1990 and it is noted that when considering such applications the LPA should normally limit its appraisal to the relevant conditions, albeit it does result in the grant of a new permission. Should this s73 application be approved, all relevant conditions attached to the original grant of planning permission will also be attached to the new permission.

When assessing variation of condition applications the LPA does not only have the option of either approving or refusing the proposed varied condition wording, but also has the power to impose an amended condition, as well as the option of imposing additional conditions should this be deemed necessary.

## **DEVELOPMENT PLAN**

**For the purposes of this application the Development Plan in Trafford comprises:**

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 – Sustainable Transport and Accessibility

L7 – Design

R4 – Green Belt, Countryside and Other Protected Open Land

R5 – Open Space, Sport and Recreation

## **PROPOSALS MAP NOTATION**

Protected Open Space

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

None

## **PLACES FOR EVERYONE**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The

PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in Public of the PfE Submission Plan and the timetabled hearings have now been completed. Given the advanced stage of PfE it now has substantial weight in the planning balance. The timing of this application means that it has not been appropriate/necessary to fully consider the PfE policies in the report, however a high level assessment has been undertaken and it is not considered that the PfE policies would have any significant implications for this application.

### **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The DLUHC published the latest version of the National Planning Policy Framework (NPPF) in September 2023. The NPPF will be referred to as appropriate in the report.

### **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated on 14 August 2023. The NPPG will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

There have been various applications relating to the site of St. Ambrose College. The most recent and relevant to this application are: -

**106927/VAR/22** - Application for variation of condition 24 on planning permission 74747/FULL/2010 (Erection of new three storey school building incorporating swimming pool & sports hall located to north west side of site. Formation of new all weather pitch with floodlighting and security fencing, 2 x grass rugby pitches, one junior football pitch, retention of existing grass rugby pitch and erection of detached maintenance store. Creation of additional vehicular access onto Hale Road. Provision of new car parking, cycle stands and on site coach/school bus parking area. New hard and soft landscaping throughout site. Demolition of existing school buildings and ancillary structures.) For proposed changes to Pitch Management Plan 2012; Community use of all facilities on Sundays and Bank Holidays from 9am to 5pm; School and community use of all facilities including the astroturf pitch on weekdays until 10pm; School and community use of all facilities including the astroturf pitch on Saturdays from 9am to 7pm. – Withdrawn 09/06/2022.

**91911/FUL/17** - Application for the retention of 3 metre high fencing and gates in various locations on the site – Approved with conditions 25/09/2017.

**77266/NMA/2011** – Application for non-material amendment to planning permission 74747/FULL/2011. Approved with conditions 28/10/2011.

**74747/FULL/2010** – Erection of new three-storey school building incorporating



swimming pool and sports hall located to north west side of site. Formation of new all-weather pitch with floodlighting and security fencing, 2x grass rugby pitches, one junior football pitch, retention of existing grass rugby pitch and erection of detached maintenance store. Creation of additional vehicular access onto Hale Road. Provision of new car parking, cycle stands and on site coach/school bus parking area. New hard and soft landscaping throughout site. Demolition of existing school buildings and ancillary structures. Approved with conditions 14/9/2010.

### **APPLICANT'S SUBMISSION**

The applicant has submitted a Planning Statement, which details the following: -

- In September 2022, the school started to operate lettings for use of their facilities by the public. This is because they want more young people participating in sport. There are hundreds of young people playing sport and learning to swim at the school, when otherwise they would not be able to.
- They want to create strong, inclusive and lasting relationships with their clubs and the local community.
- There is a desperate shortage of sports facilities in Trafford. The Trafford Playing Pitch Strategy notes there *is 'a shortfall of at least 7 full size 3G artificial grass pitches that are required for community use'*. The proposals can help the Borough achieve its aims of getting more people involved in playing sport.
- A number of local residents were concerned about parking on local roads. An independent traffic management consultant has confirmed that they have adequate car parking space (170 spaces). The school also uses the rear playground as 'back-up' to accommodate additional parking.
- Saint Ambrose staff have acted as parking marshals whenever school events and lettings have taken place at the same time.
- Hirers can only access the site via the main entrance on Hale Road.
- The school has not received any complaints or concerns arising from lettings.
- They understand that residents are worried about swearing. There are signs on-site which make clear what their behaviour expectations are. No complaints or concerns have been received regarding noise levels since they have started to operate lettings.
- In February 2022, they changed the halogen floodlights to LED floodlights. These have reduced the lighting levels because LED lights are directed onto the pitch, with reduced glare. The lights can be dimmed, and can be segregated so that the pitch can be split into thirds.
- They have mitigated concerns about antisocial behaviours by improving CCTV coverage across the site.

The applicant has also submitted the following in support of the application: -

- Noise Assessment,
- Noise Management Plan
- Transport Statement

- Supporting statements from Cheshire Football Association and Altrincham Junior Football Club

The information provided within these documents is discussed where relevant within this report.

## **CONSULTATIONS**

### **Environmental Protection: Nuisance**

No objections. The noise assessment which has been submitted in support of the application confirms that noise from the MUGA pitches will be audible at nearby noise sensitive receptors. The increased use of the pitches by one hour should not result in an adverse impact to residents but it will be beneficial that noise impacts are reduced to minimise the level of noise being produced when the MUGA's are used, particularly in the evening. To ensure that suitable noise mitigation measures are adopted for use within the MUGA's, a condition requiring the submission and approval of a Pitch Management Plan is recommended.

### **Local Highway Authority**

No objections. There are no changes proposed to existing restrictions surrounding use of the sports facilities at the weekend and on bank holidays, and the application only seeks to extend weekday pitch operating hours by one hour in the evening. A 170-space car park is provided on site with the option to provide overflow parking in the rear playground area, and existing staff are engaged to manage traffic and parking. The LHA is not aware of any complaints having been received which concern parking issues along the highway resulting from the late afternoon/evening use of the pitches, and there are no requests for parking restrictions to be introduced to prevent overspill parking from the College. It is not considered that the proposals would have a severe or unacceptable impact to the highway or road safety.

### **Sport England**

No objections. Sport England consider that the proposal to extend the hours of use of the sport facilities would potentially increase sport and physical activity participation within the local community, in accordance with paragraph 93 (a) and (d) of the National Planning Policy Framework. The applicant is required to submit a "Community Use Scheme," which is assumed would reflect the proposed increase hours of use of the sport facilities and would result in the discharge of condition 19 of planning application reference: 74747/FULL/2010. It is requested that the applicant works with the relevant National Governing Bodies of Sport (NGBs) on the submission of an appropriate "Community Use Scheme" to secure the necessary community benefits and to ensure that the sport facilities will be well managed and safe to use. Sport England would welcome the inclusion of the indoor facilities for available use to a suitable agreed time each evening which could be incorporated in the Community Use Agreement when that is submitted. Full comments are discussed in the Observations section below.

## **REPRESENTATIONS**

Sixteen letters of objection have been received from fifteen neighbouring residents on Ashmeade, Broad Lane, The Coppice, Wicker Lane and Melrose Crescent. A summary of the concerns raised are: -

- It would seriously affect the amenities of surrounding neighbours by the extension and increase in noise from public attendees, participants / traffic and light pollution. Whilst this is tolerable during working hours, it becomes seriously disruptive during evening hours.
- The technical reports on noise, traffic, light pollution and parking are offered without comment or criticism and are obviously totally supportive. They should be regarded as invalid without a record of some evaluation by qualified people.
- The Traffic Management report suggests that the 170 parking spaces (normally for staff use only) will provide adequate space for participants and spectators. Yet the St Ambrose application support document *states "There are hundreds of young people now playing sport and learning to swim at our school when otherwise they might not be able to"*. The proposal would only increase parking demand and noise from public users. An assumption that 170 spaces is enough to ensure no overflow into surrounding streets and Halecroft Park is an inadequate.
- The extra car parking would impact on them getting in and out of The Coppice.
- The roads are not equipped to support additional traffic. Parking is very limited around the site and the proposal will add to major congestion problems on Broad Lane and Hale Road.
- The traffic assessment takes no account of traffic upheaval that is going to happen when HS2 construction starts.
- The timing and conditions in which the Noise Assessment survey was conducted were not typical of full school or public use of pitches during the proposed extended hours. It is the quietest time of the year when exams have finished and the 6th Formers have left the school. No reference has been made to the noise generated by increased use of parking space or to the extension of this noise into evening hours.
- The Noise Report measured noise at windows, which takes no account of noise levels in gardens, which are closer.
- The management plan is weak and does not provide any comfort. It does not detail what action will be taken following complaints. Claiming there have been no complaints between September 2022 and May 2023 is not correct. There appears to be a separate lettings management company responsible for hiring out and noise control, not St Ambrose, are the management connected to St Ambrose? What is the code of conduct? What is the penalty for breaching the code of conduct?
- Since the lighting has been a problem for elderly residents and children, the extension of hours of use into evenings is likely to be a more significant problem.

- The floodlighting lights up their whole garden and shines into living areas. The original time of 7pm for them going off was ok, but the extra time would be disruptive.
- The original Planning Approval decision - for application 74747/FULL/2010 - included conditions and condition 19 sets out a requirement for a commitment, by the College, to document a management plan for use of college premises and facilities by the public. A review of “management responsibilities” and the “mechanism for review” should be included in any approval.
- The existing arrangement impacts on neighbouring children sleeping, any extension of the facility usage would amplify this.
- The activities are outside normal school hours and therefore cannot be justified in terms of necessary school activities or for education purposes.
- Their bedroom window overlooks the car park which is now in constant use including Saturdays and Sundays. The Council has disregarded their basic rights to peace and quiet during the weekend.
- There needs to be strict rules in place regarding noise and light pollution, that will be implemented and assurance provided on how they will be monitored.
- Concerned about the management of the facility as have ongoing issues of people playing football and music at very unsociable hours, foul language and antisocial behaviour.
- The statements of support are all from organisations who have a vested interest and should be ignored.
- Reference is made to a shortage of pitches. There are pitches across the road in Halecroft Park, are they being used for community matches?

## **OBSERVATIONS**

### PRINCIPLE OF DEVELOPMENT

#### The Decision-taking Framework

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions, and as the Government’s expression of planning policy and how this should be applied, it should be given significant weight in the decision-taking process.
2. The NPPF, at paragraph 11, introduces ‘the presumption in favour of sustainable development.’ For decision-taking purposes, paragraph 11c explains that ‘the presumption in favour’ means approving development proposals that accord with an up-to-date development plan without delay.
3. The Council’s Core Strategy was adopted in January 2012, two months prior to the publication of the 2012 NPPF, but drafted to be in compliance with it. It

remains broadly consistent with much of the policy in the new 2023 NPPF, particularly where that policy is not substantially changed from the 2012 version.

4. When having regard to the nature of this proposal and its key considerations, development plan policies concerning amenity (Policy L7), open space (Policy R5) have been most central to its assessment. Policies L7 and R5 are consistent with the NPPF and up to date. The tilted balance (as set out in paragraph 11d of the NPPF) is therefore not engaged and the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

#### Principle of use

5. With reference to the Composite Policies Map which accompanies the statutory development plan, two thirds of the application site, covering the area of the main school building and the two grassed playing fields are identified as 'Protected Open Space'. The area of land within the application site where the two MUGA pitches are located, which are the main subject of this planning application, are not designated as 'Protected Open Space'.
6. The application site has an established use as a school and the MUGAs to which this application relates were granted and built in accordance with planning permission 74747/FULL/2010. The proposal would therefore not impact on the functions and integrity of the areas of Protected Open Space within the grounds of the College. The extant consent also permitted for the use of the indoor and outdoor sports provision to also be used by community groups. The use of the two MUGAs to which this current application relates, including use by community groups has therefore been established.
7. Sport England have been consulted on the application. They raise no objections to the proposal and provide supporting comments from relevant National Governing Bodies of Sport, who state that there is significant demand from local sports clubs for such facilities, who could benefit from the proposed extended hours. As such Sport England considers that the proposal to extend the hours of use of the sport facilities would potentially increase sport and physical activity participation within the local community, in accordance with paragraph 93 of the NPPF.
8. It is therefore considered that the proposed increase in hours of use of the MUGAs would support the aims of the NPPF in supporting healthy lifestyles, providing high quality safe sport facilities. The proposal would also support the aims of Policy R5 of the Trafford Core Strategy through contributing to reducing deficiencies in the provision of sports facilities and promoting physical activity. The proposal is therefore considered acceptable in principle.

#### RESIDENTIAL AMENITY

9. Policy L7 of the Trafford Core Strategy states that *“In relation to matters of amenity protection, development must: Be compatible with the surrounding area; and not prejudice the amenity of the future occupiers of the development and / or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and / or disturbance, odour or in any other way”*.
10. Residential properties on The Coppice, Wicker Land and Broad Lane bound the site to the south and west. The nearest residential houses to the MUGAs, to which the proposed increase in hours is sought for, are located on The Coppice and Wicker Lane. A number of objections have been received from neighbouring residents, including residents of these adjacent roads, which raise concerns regarding an increase in noise and disturbance, including light, that would result from the proposed one hour increase in the use of the MUGAs on week day evenings (excluding bank holidays and public holidays).

#### Noise

11. The applicant has submitted a Noise Impact Assessment and a Noise Management Plan in support of the application. The Council's Environmental Protection Service has reviewed these documents and commented on the application in regards to 'nuisance'. They advise that the submitted noise impact assessment confirms that noise generated from the MUGA pitches will be audible at nearby noise sensitive receptors (which includes neighbouring residential properties). However, they consider that the proposed increase in use of the two MUGA pitches by one hour to 8pm should not result in an adverse impact to residents.

#### Anti-social behaviour

12. Concerns raised by neighbouring residents regarding anti-social behaviour that they believe is associated with the sports pitches within the grounds of the College, are noted. The College has confirmed that they agree to a condition relating to the provision and compliance with a pitch management plan, which is recommended by the Environmental Protection Service. It is therefore considered that through the implementation of such a condition that the proposed increase of one hour of use of the two MUGA pitches to 8pm on week day evenings would not result in undue noise and disturbance to neighbouring residents.

#### Lighting

13. Concerns raised by neighbouring residents regarding existing lighting within the site are noted. The Council's Environmental Protection Service has confirmed that no complaints have been received regarding artificial lighting used for the

MUGA pitches, to which this application relates. The proposal would not include an increase in the existing level of lighting within the site and would only extend the use of the lights to the two MUGA pitches by one hour to 8pm on weekday evenings (typically only during winter months), which does not extend into night time hours. It is therefore considered that the proposal would not result in an unacceptable lighting amenity impact on adjacent residential occupants.

14. It is recommended that the hours of use of the floodlighting are conditioned to be in line with the hours of use of the sports pitches to ensure that they are not left on for longer periods, once the pitches are no longer in use and to prevent users from congregating outside of the permitted hours.

## ACCESS, HIGHWAYS AND CAR PARKING

15. Policy L4 of the Trafford Core Strategy states that *“when considering proposals for new development that individually or cumulatively will have a material impact on the functioning of the Strategic Road Network and the Primary and Local Highway Authority Network, the Council will seek to ensure that the safety and free flow of traffic is not prejudiced or compromised by that development in a significant adverse way”*.
16. Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*. Policy L4 is considered to be largely up-to-date in that it promotes the development and maintenance of a sustainable integrated transport network that is accessible and offers a choice of modes of travel, including active travel, to all sectors of the local community and visitors to the Borough. It is not considered to be fully up-to-date in that it includes reference to a ‘significant adverse impact’ threshold in terms of the impact of the development on the operation of the road network, whereas the NPPF refers to a ‘severe’ impact’. Nevertheless it is considered that Policy L4 can be afforded substantial weight.
17. The application site benefits from an existing car parking that accommodates 170 car parking spaces. The College has also confirmed that the school grounds also has the option to provide overflow parking in the rear playground area and that existing school staff are engaged to manage traffic and parking. The proposal would not result in the loss of any existing parking provision within the site. The proposal would also not result in an increase in the number of sports pitches provided within the site, rather increase the time in which two of the pitches can be used by one hour on week day evenings. There would be no change to the use of the pitches at the weekend and on bank holidays and public holidays.
18. The LHA advises that they are not aware of any complaints that have been received concerning parking issues along the highways surrounding the site

resulting from the late afternoon/evening use of the pitches and there are no requests for parking restrictions to be introduced to prevent overspill parking from the College. The LHA has thus confirmed that they do not consider that the proposal would have a server or unacceptable impact on the highway or road safety and as such do not object to the proposal.

19. Whilst concerns by neighbouring residents regarding the impact of the proposed increase of one hour use on weekdays on traffic and parking on the surrounding roads are noted, it is considered that the proposal would not result in additional highway pressures and as such is acceptable on highways grounds.

## COMMUNITY USE

20. The importance of promoting healthy communities is a key focus of the NPPF in achieving sustainable development (see paragraph 8). Paragraph 92 of the NPPF is clear that planning policies and decisions should enable and support healthy lifestyles, especially where this would address identified local health and well-being needs. The paragraph continues by citing examples, such as the provision of safe and accessible green infrastructure, sports facilities and allotments. Paragraph 93 advises that the planning system should plan positively for the provision of meeting places, sporting venues and open space, and that it should guard against the unnecessary loss of valued facilities. Paragraph 98 also states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
21. The Core Strategy also recognises that access to open spaces and to opportunities for sport and physical activity is important to local communities. The text supporting Policy R5 explains that the availability of open space, sport and recreation facilities are key factors influencing quality of life and physical well-being, and they can also add to the attractiveness of the borough.
22. The proposed increase in one hour of use of the two MUGA pitches on weekdays will facilitate the College in helping to increase the availability of all weather pitches for community use, thus supporting the aims of the NPPF and Policy R5 of the Trafford Core Strategy.
23. In commenting on the application, Sport England advises that the College should submit a 'Community Use Scheme', which would reflect the proposed increase in hours of use and accord with condition 19 of the original planning permission 74747/FULL/2010. It is therefore recommended that a condition is attached requiring the submission of a 'Community Use Scheme' prior to the commencement of the increase hours of use.

## **PLANNING BALANCE AND CONCLUSION**



24. It is recognised that the increase in use of the MUGAs pitches would contribute to increasing the availability of sports pitches in the surrounding area and this in turn would potentially increase sport and physical activity participation within the local community, in accordance with paragraph 93 of the NPPF. The proposal accords with the aims of the NPPF in supporting healthy lifestyles, providing high quality safe sport facilities. The proposal would also support the aims of Policy R5 of the Trafford Core Strategy through contributing to reducing deficiencies in the provision of sports facilities and promoting physical activity. The proposal is therefore considered acceptable in principle.
25. It is considered that the proposed extended use of the two MUGA pitches by one hour on weekday evenings to 8pm (excluding bank holidays and public holidays) would not result in such a level of additional harm over and above any that might exist at present to warrant a refusal of planning permission. Conditions restricting the hours of use, including the hours of floodlighting and the provision of a pitch management plan would also help to mitigate any potential impacts.
26. The scheme complies with the development plan, the starting point for decision making, which would indicate in itself that planning permission should be granted.
27. All detailed matters have been assessed, including the impact on residential amenity and highways/parking impacts. These have been found to be acceptable, with, where appropriate, specific mitigation secured by planning condition. All relevant planning issues have been considered and representations and consultation responses taken into account in concluding that the proposed amendment is appropriate for the site.
28. The proposal is considered to be acceptable and in accordance with the development plan as a whole including Core Strategy Policies L4, L7 and R5, the Parking Standards and Design SPD and the NPPF. As such, in terms of NPPF paragraph 11 c) the proposal should be approved without delay.
29. It is therefore concluded that the application should be approved subject to appropriate conditions.

**RECOMMENDATION: GRANT subject to the following conditions**

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 138134-1 Revision A, ITT-SAC-A-034 Site Location Plan; SR-20-201 Rev.K Ground Floor Plan; SR-20-202 Rev.K First Floor Plan; SR-20-203 Rev.M Second Floor Plan; SR-20-204 Rev.F Roof Plan; SR-20-220 Rev.F North Elevation School; SR-20-221 Rev.F East Elevation School; SR-20-222 Rev.F South Elevation School; SR-20-223 Rev.G West Elevation School; SR-20-224 Rev.K North Elevation Sports Hall; SR-20-225 Rev.J East Elevation Sports Hall; SR-20-226 Rev.G South Elevation Sports

Hall; SR-20-227 Rev.J West Elevation Sports Hall; SR-20-228 Rev.G North-East Cut Back Elevations; SR-20-229 Rev.G South-East Cut Back Elevations; SR-20-230 Rev.G South-West Cut Back Elevations; SR-20-231 Rev.H North-West Cut Back Elevations.

Reason: To clarify the permission, having regard to Policies L4, L7, L8, R2, R4 and R5 of the Trafford Core Strategy and the National Planning Policy Framework.

2. Prior to the implementation of the extended hours of use hereby approved for the MUGA pitches, a Pitch Management Plan shall be submitted to and approved in writing to the Local Planning Authority. The Pitch Management Plan shall include but not be restricted to physical measures to prevent noise, equipment maintenance, complaint procedure and a code of conduct for pitch users. The MUGA pitches shall thereafter be used only in accordance with the approved Pitch Management Plan.

Reason: In the interests of residential amenity, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 or any equivalent Order following the amendment, revocation and re-enactment thereof, the premises shall only be used as a school and for no other purposes within Class F1 of the above Order.

Reason: Other uses within the same Use Class may have a detrimental effect on the neighbourhood and the restriction to the use proposed will enable the Local Planning Authority to consider any further change of use on its merits, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

4. Deliveries, servicing and collections, including waste collections, shall be undertaken at the site only between the hours of 0730hours and 2000hrs. No deliveries are to take place at any time on Sundays, Bank Holidays or Public Holidays.

Reason: In the interests of residential amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

5. Any external plant/air conditioning units to be utilized in the development shall achieve a noise level of 10dB below the existing background (LA90) in each octave band at the nearest noise sensitive location. The existing background shall be measured at the quietest time that the equipment would be operating (in accordance with BS 4142:1997). The external plant / air conditioning units must be acoustically treated in accordance with a scheme devised to be achieve the noise criteria specified within Table 5.10 of the report 'St Ambrose College. Acoustic report addressing conditions 10 &12' AECOM June 2010 (AM 15062010RRp1V1 Acoustic Planning Report). The noise emitted must not exhibit any distinguishable tonal or

impulsive element. Details of all mitigation measures to be employed will be provided within this report and submitted for approval in advance of the installation of all said equipment. All equipment will be adequately serviced and maintained in accordance with manufacturer's instructions to ensure compliance with specified noise criteria.

Reason: In the interests of residential amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

6. All areas for the movement, loading, unloading and parking of vehicles provided in accordance with this permission shall be made available for those purposes at all times when the premises are in use; notwithstanding the provisions of any General Development Order, no development (other than that carried out in accordance with this permission) shall take place on any of the areas so provided.

Reason: To ensure that satisfactory provision is retained within the site for the accommodation of vehicles attracted to or generated by the proposed development, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

7. The playing fields shall maintained in accordance with the approved playfield drainage scheme, detailed in the following report/ plan numbers: -
  - Balfour Beatty statement on grassed pitch drainage,
  - AECOM 60102265/GEO/001 Exploratory Hole Location Plan,
  - Soakaway draft SA102 test 1,
  - Soakaway draft SA102 test 2.

Reason: To ensure satisfactory drainage provision is provided on site having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

8. Prior to the commencement of the development a Community Use Scheme for both indoor and outdoor sports provision shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason: To clarify and define use of facilities by external groups or similar, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

9. The areas of flat roofs, unless identified on the approved drawings for a specific purposes, shall not be used for any other reason than for access purposes to undertake maintenance or similar works.

Reason: In the interests of residential amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

10. The pitches and associated floodlighting must only be used within the following times:

Monday - Friday 0900 to 1900 hrs use of all grass school pitches.

Monday – Friday 0900 to 2000hrs use of all MUGA pitches.

Saturday 0900 to 1700 hrs use of all school pitches.

0900 to 1900 hrs use of cricket pitch in summer.

No use of any pitch on Sundays or Bank Holidays.

Reason: In the interests of residential amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

11. Secure cycle parking facilities and spaces for the occupants of, and visitors to, the development hereby approved shall be retained for use at all times in accordance with the approved drawing numbers: Planit PL1047.SAC.DT.02 rev A (Street Furniture – Shelters) and Planit ITT-SAC-L-001 rev H (site Plan – Rendered).

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage alternative modes of transport in accordance with Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

12. The car parking provision and layout shall be retained in accordance with the approved drawings numbers: Planit ITT-SAC-L-001 rev H (Site Plan – Rendered) and Planit ITT-SAC-L-016 rev B (Car-Park Layout) and shall not be used for any purpose other than the parking of vehicles.

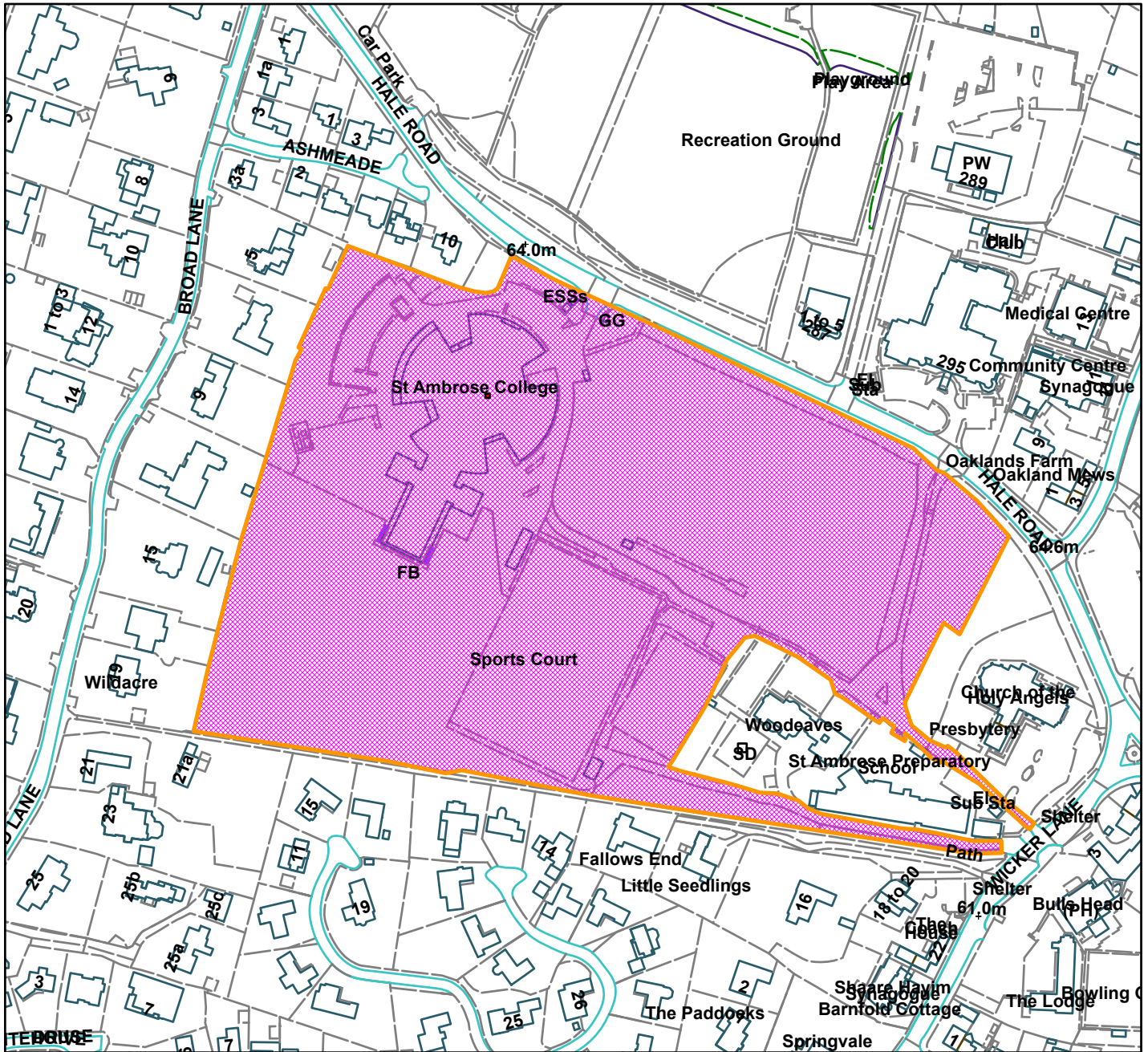
Reason: In the interests of highway safety and convenience and in accordance with Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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VW



St Ambrose College, Hale Road, Hale Barns (site hatched on plan)



Scale: 1:3,000

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 12/10/2023
Date	02/10/2023
MSA Number	AC0000809316 (2022)

**WARD:** Altrincham

**111430/HHA/23**

**DEPARTURE: No**

**Erection of a single storey side and part single, part two storey rear extension.  
Conversion of existing garage to habitable room.**

1 Prestbury Avenue, Altrincham, WA15 8HY

**APPLICANT:** Mr Zaidi

**AGENT:** NK Architectural

**RECOMMENDATION: GRANT SUBJECT TO CONDITIONS**

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**The application has been reported to the Planning and Development Management Committee due to six or more representations being received contrary to Officer recommendation.**

### **SITE**

The proposed development site relates to a two storey brick-built semi-detached property with a gable end roof similar to others along Prestbury Avenue that back onto Timperley Brook. A ground floor mono-pitched roof runs across the principal elevation in front of a garage and recessed entrance porch. The site is located at the relatively spacious junction of Prestbury Avenue with Wellington Road within a predominantly mature residential area of Altrincham. Opposite the junction on the northern side of Wellington Road, there is a bus stop with a place of worship behind. Further afield to the west, there is Navigation Road tram stop and railway station.

To the front of the dwelling there is a driveway for the parking of 2no. vehicles and a laurel hedge recently planted enclosing the corner. To the rear, a 1.8m high fence encloses the rear garden area. The dwellings in the surrounding area are predominantly semi-detached of various character.

Prestbury Avenue is also subject to Permit holders (Zone N) parking restrictions between Monday and Friday (10am - 4pm).

### **PROPOSAL**

The applicant is seeking planning permission for the erection of a single storey side extension and a part single, part two storey rear extension in addition to the garage being converted to habitable accommodation; and the enclosure of an open fronted porch.

The proposed development would result in the existing 3no. bedroom property being enlarged to become a 5no. bedroom property.

The proposed single storey side extension would have its front elevation aligned with the proposed enclosed porch and converted garage. It would have a width of 3.46m with an eaves height of 2.7m and a hipped roof rising to a maximum 3.9m. A separation distance of 2.5m would be provided between the extension and the side boundary shared with Wellington Road, increasing to 5.2m at its rear corner.

The side extension would also project 3m further than the existing main rear wall and wrap around to provide a part single part two storey extension. The two storey element would project the same 3m with a width of 2.7m and would retain a separation distance of 3.15m to the common boundary with no.3 Prestbury Avenue; and approximately 9m to the northern boundary with Wellington Road. Between the two storey extension and the boundary with the connecting property, there is also proposed a single storey extension of the same 3m projection, but with a mono-pitched roof and sited 150mm from the common boundary with No.3.

Value Added: Amended plans were received that removed the first floor side extension and reduced the single storey width by 0.5m to provide 2.5m separation distance at its closest point with Wellington Road. The single storey rear projection has also been set 150mm away from the boundary to retain the existing fenced boundary between the application site and the connecting neighbour, no.3 Prestbury Avenue.

## **DEVELOPMENT PLAN**

**For the purposes of this application the Development Plan in Trafford comprises:**

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L4 - Sustainable Transport and Accessibility

L7 – Design

*In relation to paragraph 11 of the NPPF, these policies of the Core Strategy are considered up to date and full weight should be given to these policies.*

## **OTHER LOCAL POLICIES**

SPD3 – Parking Standards and Design

SPD4 – A Guide for Designing House Extensions and Alterations

#### **PROPOSALS MAP NOTATION**

None

#### **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

None

#### **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

DLUHC published the latest version of the National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

#### **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

DLUHC published the National Planning Practice Guidance on 6 March 2014, and was last updated on 25<sup>th</sup> August 2022. The NPPG will be referred to as appropriate in the report.

#### **PLACES FOR EVERYONE**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in Public of the PfE Submission Plan and the timetabled hearings have now been completed. Given the advanced stage of PfE it now has substantial weight in the planning balance. The timing of this application means that it has not been appropriate/necessary to fully consider the PfE policies in the report, however a high level assessment has been undertaken and it is not considered that the PfE policies would have any significant implications for this application.

#### **RELEVANT PLANNING HISTORY**

None

#### **APPLICANT'S SUBMISSION**

CIL Questions

#### **CONSULTATIONS**

**LLFA** – Initial objection relating to possible flooding risks. However, following the submission of a Flood Risk Assessment by the agent, the LLFA have confirmed that this has been overcome.



## **REPRESENTATIONS**

The neighbouring properties were notified by letter on 27<sup>th</sup> July 2023. 13no. representations have been received which in summary, state:

- The proposed extension would go quite far into the garden...obscuring views and sunlight
  - Extension would be overbearing in size, scale, impact on the streetscene and highway safety. Proposal would project past the established building line to the front.
  - Proposed rear projection would totally block light to connecting property's living room and bedroom above.
  - The neighbourhood is predominantly 3 bed...to extend the property to this extent would be completely out of keeping with the neighbourhood
  - Significant number of trees to the rear that could fall onto any proposed extension
  - Parking on Prestbury Avenue is already significantly difficult. A 6 bed house may likely increase this which already suffers from commuters parking on the road during the daytime.
  - The proposed extension would become a hazardous junction
  - Where would construction vehicles park during development?
  - Proposed rear extension would be built on the existing boundary fence. This would involve the removal of the boundary fence and cannot be built without being constructed from neighbouring property.
  - Proposed extension would take away symmetry of semi-detached properties.
  - Concerns raised regarding impact upon neighbouring wildlife and ecosystems
  - Noise and disturbance caused by construction impacting upon education prospects
- Overlooking and loss of privacy. The neighbour properties were re-notified by letter on the 26<sup>th</sup> September 2023 in relation to the amended proposal. Any further comments received will be reported in the Additional Information Report.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. Householder extensions are acceptable in principle subject to not having an undue impact on the design of the existing property and street scene, amenity of neighbouring properties and parking/highways. The proposal has been assessed against Core Strategy Policy L7 and guidance contained in SPD4 and the NPPF.

### **DESIGN**

2. The proposed side extension has been amended to be single storey rather than two storey. The two storey extension to the rear of the existing property would be retained but with a lower (hipped) roof. The hipped roof single storey side element has also been reduced in width by 0.5m to retain 2.5m to the side boundary at its front corner which increases to 5.2m at its rear corner. This size, scale and siting is considered to be appropriate for this exposed corner property and would not be

visually intrusive within the streetscene or appear cramped in its context. The development would also be screened in part by a maturing laurel hedge towards the front of the property and 1.8m timber fence along the northern and side boundary facing Wellington Road.

3. To the rear of the property, the first floor element would have a width of 2.7m and hipped roof projection of 3m. Whilst it would appear relatively narrow, on balance, it would be sited away from both side and rear boundaries so as not to appear visually cramped, dominant or intrusive to the streetscene. The hipped roof would have its ridge only 0.85m above eaves height and 2m below the maximum height of the property. The rear projections are thereby considered not to be unduly disruptive to the general rhythm of development within the immediate area.
4. The part single, part two storey side and rear extension is thereby considered to be of a scale that is proportionate to the dwelling and plot. Although the rear garden area is relatively small, sufficient space would be retained to ensure that it would not appear cramped in its context backing onto Timperley Brook and its mature verdant setting. The hipped roofs of the first floor rear extension and single storey side extension would allow the development to be subordinate to the main building.
5. The enclosure of the existing open fronted porch and insertion of full height glazing would not appear prominent within the street scene or out of character, given that it would form a balanced front elevation between two similar sized windows relating to the converted garage and ground floor bedroom.
6. The proposed brickwork, roof tiles and windows would match the existing, in compliance with SPD4. The new features, including the front door, converted garage, patio doors and rooflights, are acceptable in appearance, and would have no detrimental impact on the street scene.
7. The proposal as a whole is considered appropriate in scale and appearance, and would not cause harm to the character of the existing property or street scene. It is therefore considered that the proposal would be acceptable in design terms and in accordance with the SPD4 and Core Strategy Policy L7.

## **RESIDENTIAL AMENITY**

### Impact on front and rear

8. The proposed 3m rear extension at both ground and first floor level would retain a separation distance of 5.4m to the rear boundary and 20m to the eastern side elevation of no.2 Wellington Road. This would provide a separation distance between the proposed first floor rear bedroom window and the common boundary with no.2 Wellington Road of 13.6m which is in excess of SPD4 guidance that recommends a distance of 10.5m to rear garden boundaries to prevent

overlooking and loss of privacy. The proposed bedroom window would face the side wall of no. 2 Wellington Road and with the mature trees and shrubbery that provide permanent screening, it is considered that there would be no undue overlooking of this neighbouring property.

9. As such, it is considered that there would be no amenity concerns relating to the occupants of no.2 Wellington Road.

### Impact on 3 Prestbury Avenue

10. The proposed part single, part two storey rear extension would be visible from the rear habitable rooms of this property and within its rear garden area. The proposed single storey element would be sited 150mm away from the common boundary and have a depth of 3m. Its eaves height would be 2.6m with a lean-to style roof system up to a maximum height of 3.35m. This is considered to be compliant with guidance within SPD4 and less than what may be able to be potentially constructed utilising the property's permitted development rights. Therefore, the proposed single storey element to the rear of the property would not be unduly visually intrusive or overbearing or cause any undue loss of privacy to the occupiers of that property.
11. Similarly, the proposed first floor rear extension would project the same 3m, but with a 3.15m separation to the common boundary. The guidance within SPD4 would normally allow a first floor extension to project 1.5m in addition to the separation distance retained to the boundary. As such, this element would comply with the guidance. It is recognised that the rear garden areas are relatively small along this section of Prestbury Avenue. However, it is not considered the proposal would cause any harmful impact in regards to outlook or in terms of overbearing.
12. It is also noted that the orientation of the site is such that the proposed extension would be entirely to the north of the adjoining property. This would enable the development not to cause any undue overshadowing or loss of light impact to the occupiers of this connecting property.
13. It is also recognised that the development would result in some noise and dust during the construction phase. However, this is common to all new developments. The scale of the development is relatively small and any disruption would be temporary in nature.
14. Representations have been received that suggest that, due to their particular personal circumstances, the development may have more impact on some neighbours in terms of overbearing, overshadowing and disturbance than might otherwise be anticipated. Officers have had regard to this in assessing the proposal but have concluded that it would nevertheless not have an unacceptable impact on residential amenity.

15. The comments from neighbours in relation to residential amenity are noted, however the development has been considered against the development plan and SPD4 and given the context of the site and scale of the proposal, it is considered that the extension would not have any unacceptable impacts on the amenity of neighbouring properties.
16. It is therefore considered the proposed development would be acceptable in residential amenity terms and is in accordance with the SPD4 and Policy L7.

## **HIGHWAYS/PARKING**

17. The proposed development would increase the number of bedrooms from three to five. The Council's SPD3 parking standards suggest that a maximum of three off street parking spaces would be required in this case. There would be two off street parking spaces available on the site frontage. It is noted that the garage could be converted to living accommodation without the need for planning permission in any case. It is also noted that Prestbury Avenue is within a restricted parking area between 10.00am and 4.00pm on Mondays to Fridays. Having regard to these factors, it is therefore considered that the proposed development would not result in any unacceptable parking impacts.

## **EQUALITIES**

18. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
19. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:
  - i) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - iii) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
20. Case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications, and with this requirement directly stemming from the Equality Act 2010.

21. Issues have been raised in the representations that relate to equalities and as such, in making an assessment of the application proposals, it is necessary to have regard to the Public Sector Equality Duty. If it is known that a decision could have an impact on persons with (a) protected characteristic(s), then this cannot be disregarded, whether or not that is material to the planning merits of the case.
22. Officers have had regard to this in making an assessment of the impacts of the proposed development but it does not alter their overall conclusion on the acceptability of the proposals in planning terms.

### **DEVELOPER CONTRIBUTIONS**

23. The proposal would create less than 100sqm of additional internal floor space and is not subject to the Community Infrastructure Levy (CIL).

### **PLANNING BALANCE AND CONCLUSION**

24. The proposed development is considered not to cause harm to the character and appearance of the dwelling or the street scene by reason of its design, and is considered appropriate within its context. In addition, the proposed development would have no unacceptable impacts on the residential amenity of neighbouring properties and would not have any unacceptable impacts on parking demand in the area, it therefore meets the aims of the Core Strategy and the NPPF in this respect.
25. All relevant issues, including those raised under the Equalities Act have been considered in concluding that the proposal comprises an appropriate form of development for the site. The application is compliant with Policies L4 and L7 of the Trafford Core Strategy, SPD4 and policies contained within the NPPF and complies with the development plan when taken as a whole. It is therefore recommended that planning permission is granted, subject to conditions.

### **RECOMMENDATION:**

**GRANT** subject to the following conditions:

1. The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted, amended plans, numbers: A100 REV D, A103 REV D, and the 1:1250 OS based red edged plan.

Reason: To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

3. The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing building.

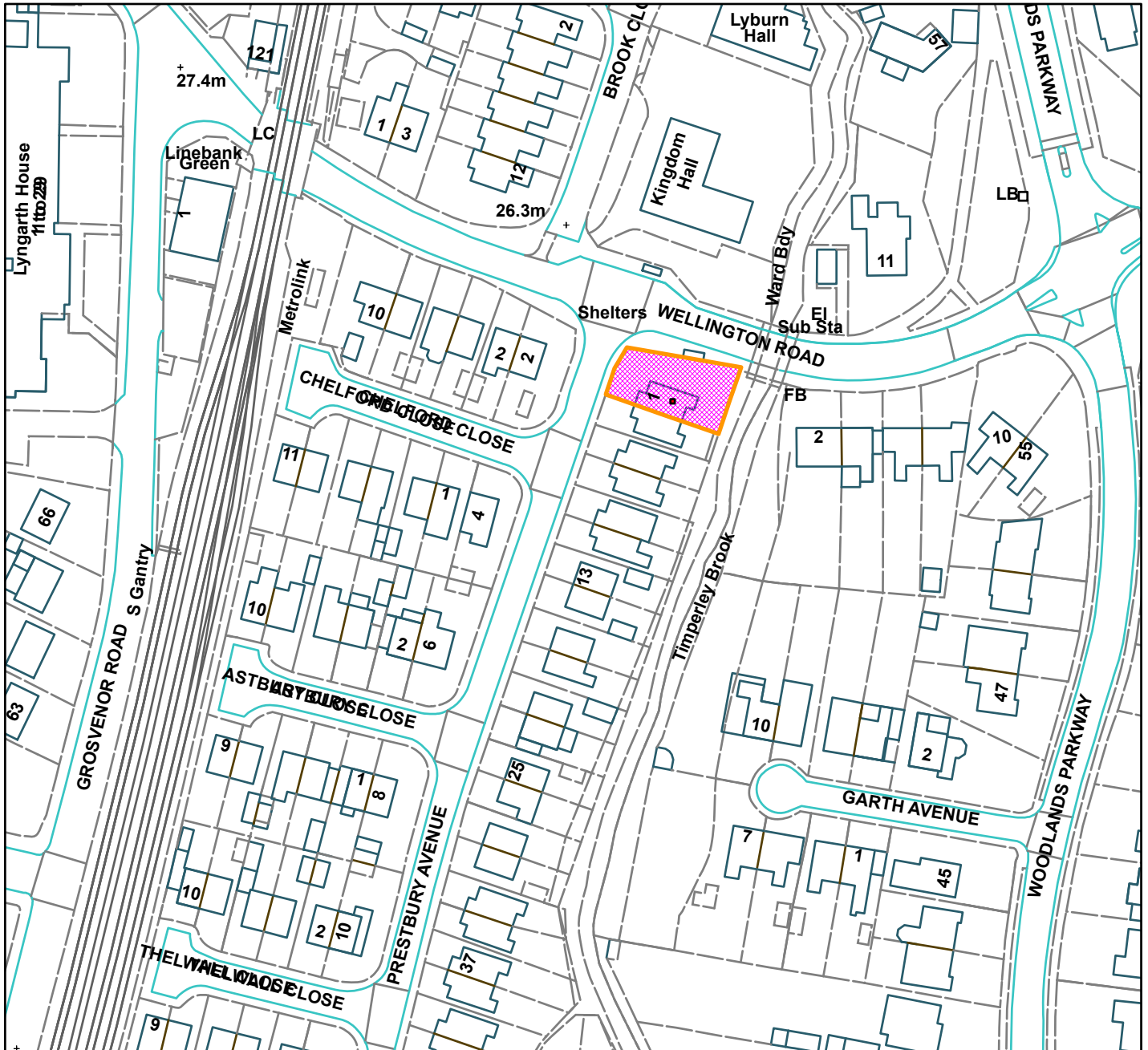
Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the requirements of the National Planning Policy Framework.

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GD



1 Prestbury Avenue, Altrincham (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 12/10/2023
Date	02/10/2023
MSA Number	AC0000809316 (2022)

**WARD:** Flixton

**111473/HHA/23**

**DEPARTURE: No**

**Demolition of existing garage and erection of two storey side extension**

30 Minehead Avenue, Flixton, M41 6FD

**APPLICANT:** Mr Phillip O'Sullivan

**AGENT:** N/A

**RECOMMENDATION: GRANT**

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**The application has been reported to the Planning and Development Management Committee because six objections from neighbouring properties have been received.**

**SITE**

The application site relates to a two-storey, semi-detached dwellinghouse located at the southern end of Minehead Avenue, a residential cul-de-sac in Flixton. The property benefits from an existing detached garage to the side. The property is surrounded by residential land uses on all sides. Off-street parking provision is provided by a driveway to the front and side of the property.

**PROPOSAL**

Planning permission is sought for the demolition of the existing side garage and the erection of a two storey side extension.

The proposed side extension is to project 3.3m beyond the original side elevation of the property with a minimum separation distance of 650mm to be retained to the side boundary at its closest point. The proposed extension is to be set back 1.57m from the original front elevation of the property and would have a depth of 4.65m. The proposed extension would not project beyond the existing rear elevation.

The proposed side extension would have a hipped roof that would be set down approx. 0.53m from the original roof ridge with eaves at a height to match the existing eaves. There would be a proposed gable feature to the front above the proposed first floor window. There would be 1no. ground floor window and 1no. first floor window to the front elevation. To the rear elevation there would be 1no. rear access door and 1no. obscure-glazed first floor bathroom window. There would be no openings in the proposed side elevation.

Brickwork below white-coloured render, concrete roof tiles and white UPVC windows/doors would match the appearance of existing building materials.

**DEVELOPMENT PLAN**

**For the purposes of this application the Development Plan in Trafford comprises:**



- The **Trafford Core Strategy**, adopted 25<sup>th</sup> January 2012; The Trafford Core Strategy is the first of Trafford’s Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19<sup>th</sup> June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

L7 – Design

For the purpose of the determination of this planning application, this policy is considered ‘up to date’ in NPPF Paragraph 11 terms

## **OTHER LOCAL POLICY DOCUMENTS**

SPD3 – Parking Standards and Design

SPD4 – A Guide for Designing House Extensions and Alterations

## **PROPOSALS MAP NOTATION**

None

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

None

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The MHCLG published the revised National Planning Policy Framework (NPPF) in July 2021. The NPPF will be referred to as appropriate in the report.

## **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

DCLG published the National Planning Practice Guidance on 6 March 2014 and was last updated on 1 October 2019. The NPPG will be referred to as appropriate in the report.

## **PLACES FOR EVERYONE (FORMERLY GREATER MANCHESTER SPATIAL FRAMEWORK 2020)**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). Once adopted, PfE will be the overarching development plan, setting the policy framework for individual district Local Plans. The PfE Regulation 19 consultation concluded in Autumn 2021 and the Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 14 February 2022. Independent Inspectors have been appointed to undertake the Examination in

Public of the PfE Submission Plan and the timetabled hearings have now been completed. Given the advanced stage of PfE it now has substantial weight in the planning balance. The timing of this application means that it has not been appropriate/necessary to fully consider the PfE policies in the report, however a high level assessment has been undertaken and it is not considered that the PfE policies would have any significant implications for this application.

### **RELEVANT PLANNING HISTORY**

None

### **APPLICANT'S SUBMISSION**

None

### **CONSULTATIONS**

None

### **REPRESENTATIONS**

Six objections have been received from neighbouring properties in response to this application. These objections are summarised below:

- This two-storey development will eliminate our only view of the sky.
- The development would leave our bungalow and garden completely hemmed in by what would be like a three-storey high wall.
- The existing closeness of the properties on this development was approved in the 1930s and I suspect such closeness would not be acceptable today, especially considering the proposed additional development.
- The development of the property into a four-bedroom property would increase the need for additional parking at the site.
- Has consideration been given to the possibility that the trees house a bat roost? During summer evenings bats are often seen in our garden.
- A two storey extension will considerably reduce the light to the back of my bungalow which is already compromised by two huge fir trees, one of which is located in the garden of the application property.
- The application refers to "pruning the tree", pruning will make no difference as the trees are huge and have grown considerably since I moved in and they are too big for the size of the garden.
- The proposed extension will extend up to the existing tree and the light will be completely blocked at the back of the properties of No 10 & 12 Bude Avenue.
- The proposed extension will affect my privacy which is the main reason I purchased this property as it was not overlooked.
- The extension will reduce off road parking and there could be a chance of increased traffic in the cul de sac which could cause congestion further down the road and stop vehicles from accessing the end of the road.
- We have already experienced bin lorries not emptying our bins as they have been unable to reach the end of the cul de sac and I am concerned emergency vehicles would experience the same difficulties. The turning circle needs to

remain clear, not become a carpark.

- An increased building size will attract more traffic and parking problems into the cul de sac. This is evident in the cul de sac higher up the avenue where a large family have a similar extension and there are regular parking issues and neighbour disputes.
- The building of this extension would mean the cutting back of the trees where the bats roost.
- The proposed extension will compromise the light to the window on the south side of my house. I already have to suffer a deficiency of light due to the enormous conifers that are over shadowing my house and which are sited at the end of a garden which is on Snowden Avenue.
- The plans to add another bedroom could have an impact on parking, as number 30 is situated on the turning circle of the cul de sac. The four houses around the top of the circle, have little or no kerb parking and need off road parking.
- Concerned about the possible disruption to residents due to lack of onsite management of the build by a person not occupying the house.
- There will be one space on the driveway on an avenue with no other free parking. The avenue already has major issues with inconsiderate parking which leads to bins not being emptied as bin lorries can't get down. This is also a fire risk. Further pressure on parking will only increase the current issues.
- The extension being proposed will impact on the lighting to the rear of our property which is already impacted by the very tall trees at the back and side of the current garage.
- The trees have bats roosting in them and other wildlife. The disruption will affect the wildlife and the protected bats.
- The proposed two storey side extension would be out of keeping with the existing design and appearance of the avenue.

## **OBSERVATIONS**

### **PRINCIPLE OF DEVELOPMENT**

1. The proposal is for an extension to an existing residential property, within a predominantly residential area. Therefore, the proposed development needs to be assessed against the requirements and limitations of Policy L7 of Trafford's Core Strategy and SPD4.

### **DESIGN AND VISUAL AMENITY**

2. Paragraph 126 of NPPF states 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

3. Policy L7 of the Core Strategy requires that development is appropriate in its context; makes best use of opportunities to improve the character and quality of an area by appropriately addressing scale, density, height, layout, elevation treatment, materials, landscaping; and is compatible with the surrounding area.
4. The design has been considered in line with Policy L7 and guidance contained within SPD4.
5. The proposed single storey side extension is to project 3.3m beyond the original side elevation and is to be set back 1.57m from the existing front elevation. The proposed side extension is to have a depth of 4.65m and is not to project beyond the existing rear elevation. The extension is of an acceptable scale and is proportionate and complementary, in height and width, to the size of the original dwelling.
6. A minimum separation distance of 650mm is to be retained between the proposed side extension and the side boundary at its closest point. The proposed extension would therefore not comply with paragraph 3.1.2 of SPD4 which recommends that 'A gap of a minimum of 1m should be retained between the side elevation of an extended property and its side boundary, to retain the impression of space to the side of the dwelling.'
7. However, having regard to the fact that the neighbouring property to the side at No.28 Minehead Avenue is a bungalow which is positioned at right angles to the application property, as well as the 1.57m set back from the front elevation and the set down of the roof in relation to the main dwelling, it is considered that the proposed extension would not result in any terracing effect and would not have any unacceptable impact upon the spaciousness of the street scene or the surrounding area.
8. The proposed extension is to have a hipped roof that is to be set down from the original roof ridge with eaves to match the existing roof. The proposed hipped roof will tie-in to and match the design of the original roof of the property. The proposed windows are of acceptable size and positioning.
9. It is therefore considered that the proposed extension would be acceptable in design terms and would not have a detrimental impact on the visual amenity of the street scene or the surrounding area. As such, it is considered that the proposal would comply with Policy L7 of the Core Strategy and policies in the NPPF in relation to good design.

#### **RESIDENTIAL AMENITY**

10. Policy L7 of the Core Strategy states that in relation to matters of amenity development must not prejudice the amenity of future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise or disturbance, odour or in any other way.

11. SPD4 also sets out detailed guidance for protecting neighbouring amenity (paras 2.14 to 2.18) as well as under the relevant sections for particular types of development.

Paragraph 2.14.2 states *'it is important that extensions or alterations:*

- *Do not adversely overlook neighbouring windows and/or private gardens areas*
- *Do not cause a significant loss of light to windows in neighbouring properties and/or their patio and garden areas*
- *Are not sited so as to have an overbearing impact on neighbouring amenity'*

Paragraph 2.17.2 states *'the factors that may be taken into account when assessing a potential loss of light or overbearing impact include:*

- *The size, position and design of the extension*
- *Orientation of the property*
- *Presence of other habitable room windows/sources of light in neighbouring rooms*
- *Relative position of neighbouring houses and existing relationship*
- *Size of the garden*
- *Character of the surrounding area*

Paragraph 2.17.3 states *'For two storey side extensions with a blank gable wall that would face a neighbouring main habitable room window, a 15m minimum separation distance would be required. However, there may be exceptions and every application will be considered on its own merits having regard to:*

- *The size of the extension*
- *Its relationship with the affected window(s) including orientation*
- *Its impact on the spaciousness of the area*

12. The impact of the extension on the amenity of the respective neighbouring properties is considered in turn below.

### 8 Bude Avenue

13. No.8 Bude Avenue is the rear neighbouring bungalow located to the south-east of the application dwelling. This neighbouring property benefits from a single storey rear extension and flat roof rear dormer.

14. A minimum separation distance of 14m is to be retained between the proposed two storey side extension and the rear elevation of the single storey rear extension at this neighbouring property. The proposed extension would therefore not comply with the 15m guideline outlined in paragraph 2.17.3 of SPD4.

15. However, the proposed side extension is to project no further to the rear than the original application property and would therefore be positioned no closer to

the rear elevation of this neighbouring property than the original dwelling at the site with a roof that is to be set down from the original roof ridge. The extension would also be offset from the rear elevation of this dwelling rather than directly opposite and would be positioned to the north-west of this dwelling. It is recommended that the first floor bathroom window in the rear elevation of the extension should be conditioned to be obscure glazed and fixed shut up to 1.7m above floor level.

16. It is therefore considered that the proposed side extension would not result in any undue overbearing, overshadowing or overlooking impact in relation to this neighbouring property.

#### 10 Bude Avenue

17. No. 10 Bude Avenue is the rear neighbouring bungalow located to the south of the application dwelling. This neighbouring property benefits from a single storey side and rear extension.

18. A minimum separation distance of 12.5m is to be retained between the proposed two storey side extension and the rear elevation of this neighbouring property (as extended). The proposed extension would therefore not comply with the 15m guideline outlined in paragraph 2.17.3 of SPD4.

19. However, the proposed side extension is to project no further to the rear than the original application property and would therefore be positioned no closer to the rear elevation of this neighbouring property than the original dwelling at the site with a roof that is to be set down from the original roof ridge. It is therefore considered that, in terms of overbearing, the proposed side extension would not result in any significantly greater impact on this property than the existing situation. Furthermore, the extension would be to the north of this neighbouring property and would not result in any undue overshadowing impact.

20. A condition has been recommended to ensure that the proposed first floor window to the rear elevation is obscure glazed and fixed shut up to 1.7m above finished floor level to prevent any unacceptable overlooking impact upon the rear garden area and rear elevation of this neighbouring property.

#### 12 Bude Avenue

21. No. 12 Bude Avenue is the rear neighbouring bungalow located to the south-west of the application dwelling.

22. A minimum separation distance of at least 15m is to be retained between the proposed two storey side extension and the rear elevation of this neighbouring property and the extension would be offset from the rear elevation of this dwelling and not directly opposite. The proposed extension would therefore comply with the 15m guideline outlined in paragraph 2.17.3 of SPD4. A condition would be attached requiring that the first floor window in the rear elevation of the extension should be obscure glazed and fixed shut up to 1.7m above floor level. It is therefore considered that there would be no undue overbearing, overshadowing or overlooking impact on this property.

#### 28 Minehead Avenue

23. No.28 Minehead Avenue is the side neighbouring property to the north-west of the application site. This neighbouring property benefits from a single storey rear extension.

24. Due to the orientation and relationship between this neighbouring property and the application site, the proposed first floor window to the front elevation would afford views of the front driveway and a very oblique view towards the ground floor front elevation window of this neighbouring property. As such, the proposed extension is not considered to cause any undue overlooking impact upon this neighbouring property.

#### 29 Minehead Avenue

25. No.29 Minehead Avenue is the side neighbouring property to the east of the application site. This neighbouring property benefits from a conservatory which projects approx. 4.6m to the rear.

26. The proposed side extension is not to project beyond the existing rear elevation of the conservatory at this neighbouring property and as such would be largely screened from view of the rear garden of this neighbouring property by the original dwelling itself. It is therefore considered that there would be no undue overbearing, overshadowing or overlooking impact on this dwelling.

27. It is recognised that the development would result in some noise and dust during the construction phase. However, this is common to all new developments. The scale of the development is relatively small and any disruption would be temporary in nature.

28. As such, it is considered that the proposal would not have any unacceptable impact on the residential amenity of any neighbouring dwellings and would comply with Policy L7 of the Core Strategy and policies in the NPPF in this respect.

#### **PARKING**

29. The proposed scheme would result in the creation of an additional bedroom at the property (increasing from three to four) and the removal of the existing side garage and would reduce the amount of space to the side of the dwelling. The Council's SPD3 standards suggest that a maximum of three parking spaces would be required in this case. Sufficient space would be retained to the front of the property to accommodate 2no. off-street parking spaces as per the minimum size guidelines outlined in SPD3 and there would be space on the frontage to create a third space if this were required. It is therefore considered that there would not be any unacceptable parking impacts.

#### **TREES AND ECOLOGY**

30. There are three nearby conifer trees located to the rear of the neighbouring property at No.41 Snowden Avenue that are overhanging onto the site and will

therefore need to be trimmed to accommodate the proposed two storey side extension. These trees are not protected under any existing TPOs and this work could be carried out without consent in any case. Whilst concerns have been raised in the representations regarding the potential that bats may be roosting in the trees, there is no requirement to remove the trees. It is recommended that a standard informative is attached in terms of bats.

## **DEVELOPER CONTRIBUTIONS**

31. The proposed development will increase the internal floor space of the dwelling by less than 100m<sup>2</sup> and therefore will be below the threshold for CIL charging.

## **PLANNING BALANCE AND CONCLUSION**

32. The scheme has been assessed against the development plan and national guidance and it is considered that the proposed development will result in an acceptable form of development with regard to the amenity of neighbouring residents, and the impact on the street scene and the surrounding area more generally.

33. All relevant planning issues have been considered in concluding that the proposal comprises an appropriate form of development for the site. The proposal complies with the development plan when taken as a whole. The application is therefore recommended for approval.

## **RECOMMENDATION:**

**GRANT** subject to conditions:

1. The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers MOS/BP/POS-01, MOS/SP/POS-02, MOS/BP/POS-07, MOS/EE/-008, MOS/PS/009 and MOS/RP1-10.

Reason: To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

3. The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing building.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy, the Council's



adopted Supplementary Planning Document 4: A Guide for Designing House Extensions and Alterations and the requirements of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the window in the first floor on the rear elevation facing No.10 Bude Avenue shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

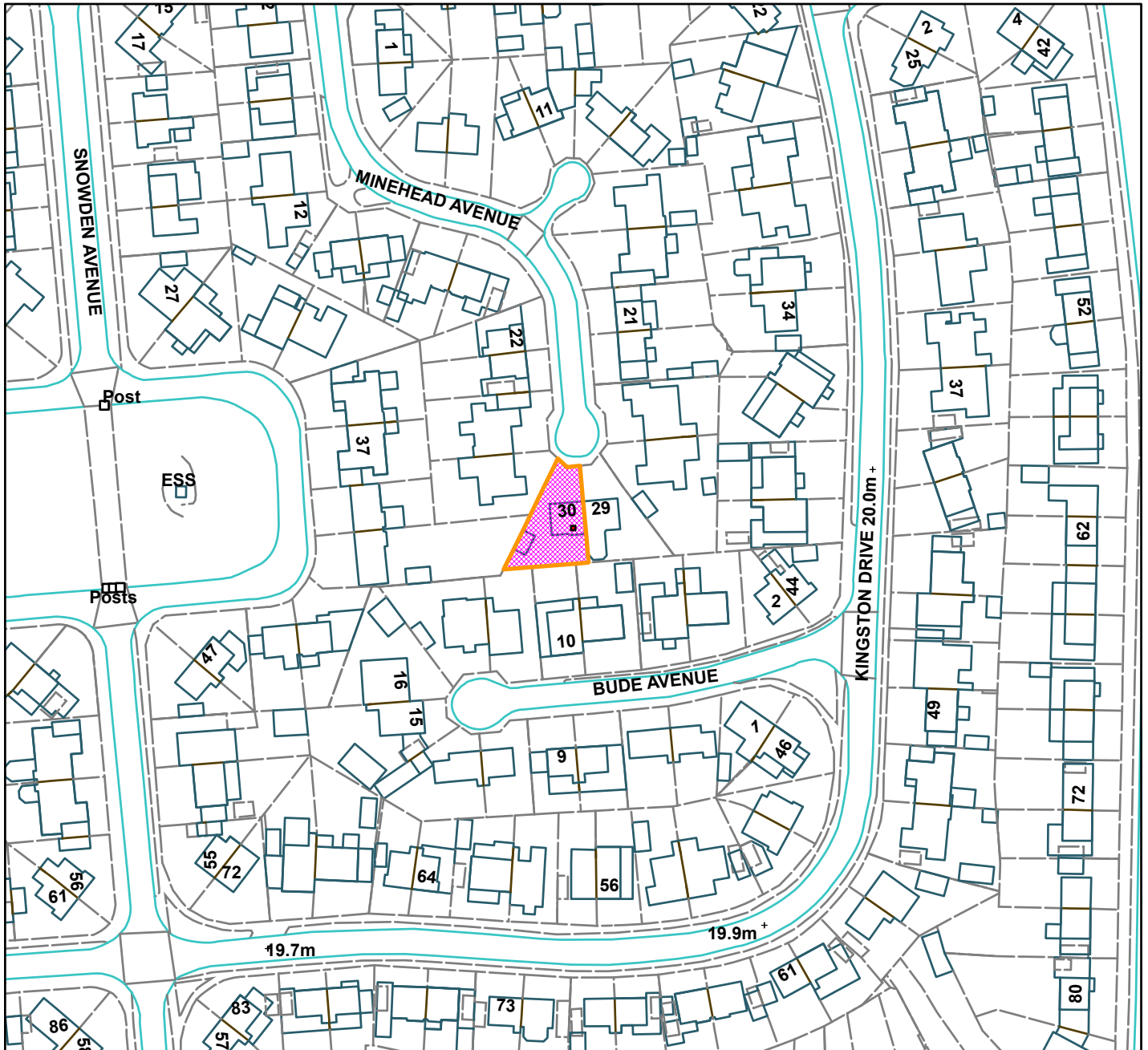
Reason: In the interest of amenity having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

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DC



30 Minehead Avenue, Flixton (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
Department	Planning Service
Comments	Committee date 12/10/2023
Date	02/10/2023
MSA Number	AC0000809316 (2022)

**Application under Section 73 of the Town and Country Planning Act 1990 (as amended) for variation of condition 1 on planning permission 110068/VAR/23 (Application for variation of conditions 2 (approved plans) and 5 (use classes) of planning permission 106198/FUL/21 (Application for the refurbishment and remodelling of the former Rackhams and Bentleys buildings to create offices, retail/food and beverage/leisure floorspace. Works to include two storey upwards extension and creation of external terraces, selective demolition including bridge links to Sunningdale and Kingfisher buildings, associated plant and infrastructure, landscaping and works to public realm and access) To allow for use of lower ground floor unit as a bowling alley with ancillary uses comprising a bar, restaurant, amusement centre and any other leisure or entertainment uses within Use Class E(d) including but not limited to pool, arcade games and mini golf (sui generis use) and various internal layout and elevational alterations including facade reconstruction) to allow for an expansion to the use classes permitted at four units (with one unit having a lower ground floor) on the site.**

2 George Street, Altrincham, WA14 1SG

**APPLICANT:** Trafford Bruntwood (Stamford Quarter) LLP

**AGENT:** Avison Young

**RECOMMENDATION: GRANT**

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**The application has been reported to the Planning and Development Management Committee as the Council has a financial interest in the site and is joint applicant, together with Bruntwood as joint venture partner.**

**EXECUTIVE SUMMARY**

The application relates to the site of the former Rackhams Department Store and Bentleys Fish and Chip Shop at the junction of George Street, Stamford New Road and Stamford Way, within the Stamford Quarter Shopping Centre in Altrincham.

The site lies within the setting of three Conservation Areas - George Street, to the southwest, Stamford New Road, to the east and Old Market Place to the northwest. The site also lies within the setting of a number of Grade II listed buildings.

Work is well underway at the site further to extant permission 110068/VAR/23. The current application seeks to make minor internal changes to floor layouts and to increase the flexibility of the uses permitted for four of the ground floor units, one of which also has floorspace at lower ground floor level.

Consideration is given in this report to the impact of the changes on the town centre, residential amenity, highways and parking, and other relevant matters.

No new use classes are being introduced into the development as a result of this application. Overall the changes would not fundamentally alter the development as previously approved and would not result in any adverse impact in relation to the town centre or residential amenity subject to appropriate conditions. No new adverse impacts have been identified and as a result the conclusion reached on the planning balance under previous applications, that the significant public benefits identified, outweigh any harm, is unchanged.

The proposal has been found to be acceptable with, where appropriate, specific mitigation secured by planning condition, and the proposal complies with the development plan and guidance in the NPPF in relation to these matters. When taking into account the overall basket of policies, it is considered that the scheme complies with the development plan as a whole. When a straightforward balancing exercise of the benefits and harms of the proposals is undertaken, the benefits of the scheme significantly outweigh any harm which would arise. The application is therefore recommended for approval, subject to appropriate conditions

## **SITE**

The application relates to a site in Altrincham Town Centre comprising a large 1970s commercial unit over three floors above ground level on Stamford New Road. The existing development on the site comprised two buildings. The larger building was formerly occupied by the Rackhams department store and was attached to the smaller of the two buildings, the former Bentleys Fish and Chip Shop at the eastern corner of the site. The site is approximately 0.6 ha in area and includes areas of adjacent public realm.

The lower ground floor is accessed from Stamford New Road to the southeast, the ground floor from George Street / Stamford Square to the southwest reflecting the changing levels across the site. Stamford Way runs along the north-eastern extent of the building and is currently used as a service road. At the north-western end the building is attached to existing commercial units fronting Stamford Square.

The site forms part of the Stamford Quarter Shopping Centre and is in a prominent location on one of the main transport routes through the town centre and opposite Altrincham Interchange.

While not within a Conservation Area itself, the site lies within the setting of three Conservation Areas - George Street, to the southwest, Stamford New Road, to the east and Old Market Place to the northwest. The site also lies within the setting of a number of Grade II listed buildings; 2-8 Kingsway, the Clock Tower on Station Forecourt, Station Hotel / 42 Stamford New Road and Stamford House.

Construction work is underway at the site pursuant to planning permission 110068/VAR/23.

## **PROPOSAL**

### **Background**

Planning permission 106198/FUL/21 was granted by the Planning and Development Management Committee in January 2022 for the refurbishment and remodelling of the former Rackhams and Bentleys buildings to create offices, retail/food and beverage/leisure floorspace. The works included a two storey upwards extension and creation of external terraces, selective demolition including bridge links to Sunningdale and Kingfisher buildings, associated plant and infrastructure, landscaping and works to public realm and access.

A subsequent section 73 'minor material amendment' application (110068/VAR/23) was submitted which applied to vary the approved plans to make some design changes and also changes to the use classes permitted within the development, to include use of a unit at lower ground floor level as a bowling alley with ancillary uses comprising a bar, restaurant, amusement centre and any other leisure or entertainment uses within Use Class E(d) including but not limited to pool, arcade games and mini golf (sui generis use) in. This application was approved by the Planning and Development Management Committee in March 2023. 110068/VAR/23 is considered to be the current extant permission relating to the site.

### **Current Proposal**

The current section 73 'minor material amendment' application seeks to vary the approved plans on 110068/VAR/23 (condition 1) further to allow for an expansion to the use classes permitted at four units within the site.

The agent for the application has stated that the current application has been submitted in order to increase the flexibility of uses within four ground floor units (one which also has a lower ground floor level) to reflect the tenancy interest the applicant has received.

This would result in:

- The permitted uses for two ground floor units (fronting Stamford Square) originally approved for Use Class E(a) (retail) to be expanded to also include Use Class E(b) (restaurants and cafes);
- One ground floor unit also with a lower ground floor level (frontage onto Stamford New Road and Stamford Way), originally approved for Use Class E(a) (retail) / Use Class E(b) (restaurants and cafes), to have the permitted uses expanded to also include Use Class E(c) (financial and professional) and E(g)(i) (Offices to carry out any operational or administrative functions); and,
- One ground floor unit (frontage on to both Stamford Square and Stamford New Road) originally approved for Use Class E(b) (restaurants and cafes) to be expanded to also include Use Class E(a) (retail).

For clarity, this application seeks to expand the use classes already permitted for these units, which means the units could still be occupied by the already permitted uses as well as the additional uses now proposed. The changes to the plans relate to internal alterations to the floorplans mainly regarding the notation relating to the uses permitted in different units. No external changes are proposed as part of this application.

The total floorspace of the proposed development would be approximately **8719 m<sup>2</sup>** as per the floorspace figure for GIA for the extant 110068/VAR/23.

## **DEVELOPMENT PLAN**

**For the purposes of this application the Development Plan in Trafford comprises:**

- The **Trafford Core Strategy**, adopted 25th January 2012; The Trafford Core Strategy is the first of Trafford's Local Development Framework (LDF) development plan documents to be adopted by the Council; it partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; The majority of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by policies within the (LDF). Appendix 5 of the Trafford Core Strategy provides details as to how the Revised UDP is being replaced by Trafford LDF.
- The **Altrincham Town Centre Neighbourhood Business Plan (ANBP)**, adopted 29 November 2017. The plan includes a number of policies, a town centre boundary, primary shopping frontages, mixed use areas and 6 allocations.

## **PRINCIPAL RELEVANT CORE STRATEGY POLICIES**

W1 – Economy

W2 – Town Centre and Retail

L4 – Sustainable Transport and Accessibility

L5 – Climate Change

L7 – Design  
L8 – Planning Obligations  
R1 – Historic Environment  
R2 – Natural Environment  
R3 – Green Infrastructure  
R5 – Open Space, Sport and Recreation

## **PROPOSALS MAP NOTATION**

Town and District Shopping Centre  
Main Office Development Areas

## **PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS**

S6 – Development in Altrincham Town Centre

### **Supplementary Planning Documents**

Revised SPD1: Planning Obligations (2014)  
SPD3 – Parking Standards and Design (2012)  
SPD5.1 - George Street Conservation Area Appraisal (2014)  
SPD5.1a - George Street Conservation Area Management Plan (2016)  
SPD5.3 Old Market Place Conservation Area Appraisal (2014)  
SPD5.3a Old Market Place Conservation Area Management Plan (2016)  
SPD5.4 Stamford New Road Conservation Area Appraisal (2014)  
SPD5.4a Stamford New Road Conservation Area Management Plan (2016)

### **Other Relevant Legislation**

Planning (Listed Buildings and Conservation Areas) Act 1990

## **PLACES FOR EVERYONE**

Places for Everyone (PfE) is a joint Development Plan Document being produced by nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan). It identifies the quantum of new housing and employment development, supports the delivery of key infrastructure, and protects environmental assets. The Plan was submitted to the Secretary of State for Levelling Up, Housing and Communities in February, and its Examination in Public commenced on 02 November 2022. Hearings sessions concluded on 05 July 2023 and the Inspectors issued IN39 on 11 September 2023 advising that they are satisfied at this stage of the examination that all of the proposed main modifications are necessary to make the Plan sound and/or legally compliant, and would be effective in that regard. Consequently, the Plan is at a significantly advanced stage in the plan making process, and such is a significant material consideration in the determination of planning applications. However it is not considered that the PfE policies would affect the planning balance or have any significant implications for this application.

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The MHCLG published the revised National Planning Policy Framework (NPPF) on 20 July 2021. The NPPF will be referred to as appropriate in the report.

### **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

The National Planning Practice Guidance was first published in March 2014, and it is regularly updated, with the most recent amendments made in January 2023. The NPPG will be referred to as appropriate in the report.

### **NATIONAL DESIGN GUIDE**

The MHCLG published the National Design Guide in October 2019. This will be referred to as appropriate in the report.

### **RELEVANT PLANNING HISTORY**

111806/VAR/23 - Application under Section 73 of the Town and Country Planning Act 1990 (as amended) for variation of conditions 1, 6, 7 and 11 on planning permission 110068/VAR/23 (Application for variation of conditions 2 (approved plans) and 5 (use classes) of planning permission 106198/FUL/21 (Application for the refurbishment and remodelling of the former Rackhams and Bentleys buildings to create offices, retail/food and beverage/leisure floorspace. Works to include two storey upwards extension and creation of external terraces, selective demolition including bridge links to Sunningdale and Kingfisher buildings, associated plant and infrastructure, landscaping and works to public realm and access) To allow for use of lower ground floor unit as a bowling alley with ancillary uses comprising a bar, restaurant, amusement centre and any other leisure or entertainment uses within Use Class E(d) including but not limited to pool, arcade games and mini golf (sui generis use) and various internal layout and elevational alterations including facade reconstruction.). To allow for landscaping and public realm alterations – Currently under consideration

111253/ADV/23 - Advertisement consent sought for 6 no. internally illuminated projecting cuboid signs and 1 no. internally illuminated fascia sign - Currently under consideration

110905/CND/23 – Application for approval of details reserved by conditions of grant of planning permission 110068/VAR/23. Condition number: 25 (Acoustic Assessment) – Full Discharge of Conditions August 2023

110777/CND/23 - Application for approval of details reserved by conditions of grant of planning permission 110068/VAR/23. Condition number: 3 (Facade Schedule); Condition number: 21 (NMP) – Partial Discharge of Conditions August 2023

110068/VAR/23 - Application for variation of conditions 2 (approved plans) and 5 (use classes) of planning permission 106198/FUL/21 (Application for the refurbishment and remodelling of the former Rackhams and Bentleys buildings to create offices, retail/food and beverage/leisure floorspace. Works to include two storey upwards extension and



creation of external terraces, selective demolition including bridge links to Sunningdale and Kingfisher buildings, associated plant and infrastructure, landscaping and works to public realm and access) To allow for use of lower ground floor unit as a bowling alley with ancillary uses comprising a bar, restaurant, amusement centre and any other leisure or entertainment uses within Use Class E(d) including but not limited to pool, arcade games and mini golf (sui generis use) and various internal layout and elevational alterations including facade reconstruction – Approved March 2023

110256/CND/23 – Application for approval of details reserved by conditions of grant of planning permission 106198/FUL/21. Condition numbers: 9 (Travel Plan), 16 (Waste Management) and 17 (Energy Efficiency) – Full Discharge of Conditions March 2023

109600/CND/22 - Application for approval of details reserved by conditions of grant of planning permission 106198/FUL/21. Condition number: 3 (Materials) – Full Discharge of Conditions July 2023

109448/CND/22 – Application for approval of details reserved by conditions of grant of planning permission 106198/FUL/21. Condition numbers: 10 (relocation of spaces), 12 (CEMP) and 14 (Biodiversity) – Full Discharge of Conditions February 2023

108310/NMA/22 - Application for a non-material amendment to planning permission 106198/FUL/21 to amend the wording of Condition 3 to allow for a staggered approach for the submission of materials and samples over the course of the construction programme in line with an agreed schedule submitted upfront – Approved July 2022

106198/FUL/21 - Application for the refurbishment and remodelling of the former Rackhams and Bentleys buildings to create offices, retail/food and beverage/leisure floorspace. Works to include two storey upwards extension and creation of external terraces, selective demolition including bridge links to Sunningdale and Kingfisher buildings, associated plant and infrastructure, landscaping and works to public realm and access – Approved Jan 2022

### **APPLICANT'S SUBMISSION**

A supporting letter has been submitted by the agent for the application setting out the background and rationale for the application and providing an assessment of the proposals. This will be referred to as appropriate in the report.

### **CONSULTATIONS**

**Altrincham BID** - No comments received at the time of writing. Any comments received will be included in the Additional Information Report.

**Altrincham and Bowdon Civic Society** - No comments received at the time of writing. Any comments received will be included in the Additional Information Report.

**Altrincham Neighbourhood Business Plan (Design Group)** – No comments received at the time of writing. Any comments received will be included in the Additional Information Report.

**GM Ecology Unit** – No comments to make

**GM Police (Design for Security)** - No comments received at the time of writing. Any comments received will be included in the Additional Information Report.

**Local Highway Authority (LHA)** – No objection. Comments are discussed in more detail in the Observations section of the report.

**Trafford Council, Inclusive Economy and Communities Officer** – No comments received at the time of writing. Any comments received will be included in the Additional Information Report.

**Trafford Council, Pollution & Housing (Nuisance)** - No objection in principle. Comments are discussed in more detail in the Observations section of the report.

**Trafford Council, Strategic Planning and Developments** - No objection in principle. Comments are discussed in more detail in the Observations section of the report.

## **REPRESENTATIONS**

**Neighbours:** One comment from a resident on Kingsway as follows:

‘Happy with the application as long as bars/restaurants/other amusement facilities close at a reasonable time especially during week days, to not cause noise disturbance to neighbours / people living in the area.’

## **OBSERVATIONS**

### **BACKGROUND**

1. Planning application Ref. 106198/FUL/21 was considered by the Planning and Development Management Committee in January 2022. The application was for the refurbishment and remodelling of the former Rackhams and Bentleys buildings to create offices, retail/food and beverage/leisure floorspace, including two storey upwards extension, creation of external terraces, selective demolition including bridge links to Sunningdale and Kingfisher buildings, associated plant and infrastructure, landscaping and works to public realm and access. Committee resolved to grant planning permission subject to conditions, in accordance with officer recommendation.
2. A subsequent section 73 ‘minor material amendment’ application (110068/VAR/23) was submitted which applied to vary the approved plans to make some design changes and also changes to the use classes permitted within the development, to

include use of a unit at lower ground floor level as a bowling alley with ancillary uses comprising a bar, restaurant, amusement centre and any other leisure or entertainment uses within Use Class E(d) including but not limited to pool, arcade games and mini golf (sui generis use) in. This application was approved by the Planning and Development Management Committee in March 2023 and work is well underway on site. 110068/VAR/23 is therefore considered to be the current extant permission relating to the site.

### Current Proposal

3. The current section 73 'minor material amendment' application seeks to vary the approved plans on 110068/VAR/23 (condition 1) to allow for an expansion to the use classes permitted at four units on the site in order to increase the flexibility of uses for four ground floor units (one which also has a lower ground floor level) to reflect the tenancy interest the applicant has received. The detail of the proposed changes is considered further under the 'Principle' section later in the report.

## **THE DECISION MAKING FRAMEWORK**

4. This application seeks approval under Section 73 of the Town and Country Planning Act (1990) (as amended) for minor-material amendments following a grant of planning permission and if approved grants a new planning permission in its own right. In terms of decision taking, regard should be had to any changes to national and development plan policies and other material considerations which may have changed significantly since the original grant of permission. The NPPG states "in deciding an application under Section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application".
5. In the period since the current extant permission 110068/VAR/23 was granted in March 2023, it is not considered that there have been any material changes in planning policy which would justify a different approach being taken in respect of any planning matter relevant to this development. In addition, there has been no significant change to the site or surrounding area other than construction work continuing at the site. It is recognised that PfE is now a significant material consideration in the determination of planning applications, however it is not considered that the PfE policies would affect the planning balance or have any significant implications for this application.
6. This report will only assess the acceptability of the proposed amendments to the scheme. There is no requirement to revisit other issues through the determination of this application and this report will only assess the acceptability of the amendments as proposed.
7. When assessing section 73 applications the Local Planning Authority does not only have the option of either approving or refusing the proposed varied condition

wording, but also has the power to impose an amended condition, the wording of which has not been requested by the applicant, as well as the option of imposing additional conditions or removing them should this be deemed appropriate.

8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision making. The NPPF is an important material consideration.
9. Policy W2.2 of the Core Strategy states that Altrincham will be the principal focus for high quality comparison retail supported by a range of retail, service, leisure, tourism, office and other town centre-type uses, including residential. Policy W2.11 states that within all town centres, sustainable design will be priority with emphasis on encouraging a mix of uses, active frontages and high quality in the design and finish of the public realm.
10. The site is within the boundary of the adopted Altrincham Town Centre Neighbourhood Business Plan (ANBP). The majority of the site is along a 'Main Shopping Frontage' on Stamford Square and Stamford New Road as defined by Policy S Main (Primary) Shopping and Mixed Use with Ground Floor Active Frontages of the ANBP. The exception to this is the frontage of the corner unit of the site at the junction of Stamford Way and Stamford New Road which is not part of the 'Main Shopping Frontage' allocation. Policy S states that proposals along a Main Shopping Frontage which seek to maintain and enhance a continuous ground floor active retail frontage will be encouraged and supported. Proposals which would result in non-retail use(s) in these frontages will be resisted unless appropriate evidence is provided to demonstrate that the proposal would result in a positive impact on the attraction of the retail core to shoppers and visitors and thus the experience will be enhanced.

## **PRINCIPLE OF DEVELOPMENT**

11. Planning permission 110068/VAR/23 allows for the following uses at the site:
  - Class E(a) (shops),
  - Class E(b) (restaurants and cafes),
  - Class E(c) (financial and professional) and
  - Class E(g)(i) 'Offices to carry out any operational or administrative functions'
  - Bowling alley with ancillary features (Use Class E(d)/ Sui Generis).
12. Only four units are affected by the current application, all at ground floor level although one of the units also has floorspace at lower ground level.

13. The proposed changes applied for would result in:

- The permitted uses for two ground floor units (fronting Stamford Square) originally approved for Use Class E(a) (retail) to be expanded to also include Use Class E(b) (restaurants and cafes);
- One ground floor unit also with a lower ground floor level (fronting both Stamford Way and Stamford New Road), originally approved for Use Class E(a) (retail) / Use Class E(b) (restaurants and cafes), to have the permitted uses expanded to also include Use Class E(c) (financial and professional) and E(g)(i) (Offices to carry out any operational or administrative functions); and,
- One ground floor unit (fronting Stamford Way and Stamford New Road) originally approved for Use Class E(b) (restaurants and cafes) to be expanded to also include Use Class E(a) (retail).

14. For clarity, this application seeks to expand the use classes permitted already for these units, which means the units could still be occupied by the already permitted uses as well as the additional uses now proposed.

15. In addition, all of the uses proposed as part of this application are already permitted on site under 110068/VAR/23. Therefore, no new use classes are being introduced into the development and this application seeks only to increase the flexibility of the uses allowed for each of the four affected units.

16. The supporting statement submitted with the application states that since the approval of application 110068/VAR/23, the applicant has been undertaking marketing for the development and has received a higher level of interest than anticipated from food and beverage retailers, along with interest from a potential office occupier for a ground floor (with lower ground floor level) unit. The amendments proposed are sought in response to this marketing exercise and to ensure the development can be fully let. They stress that the application seeks only to only expand the use classes permitted already for these units to allow greater flexibility and that all the uses proposed are already permitted on various parts of the site, and have been tested as part of the former approvals for the site. They state that the current proposal will therefore increase the opportunity for these units to be let out which subsequently will increase the vitality of the town centre.

17. Having considered the supporting information it is concluded that the current proposal to expand the use classes permitted for the ground floor units (one with floorspace also at lower ground floor level) would have a similar impact on the frontages and town centre as the current extant permission. In particular, it is noted that the ground floor unit (also with a lower ground floor level) in which it is proposed to expand the uses allowed to include Use Class E(c) (financial and professional) and E(g)(i) (Offices to carry out any operational or administrative functions) is not on a Main Shopping Frontage as set out in Policy S of the ANBP and the proposed office use is therefore considered acceptable in principle. The proposals as a whole

are still considered to have a positive impact on maintaining activity to the frontages by attracting visitors to the retail core and enhancing the experience of the area.

### Conclusion on Principle of Proposed Class E(d)/ Sui Generis Use

18. As set out above the site is in a prominent location within Altrincham Town Centre. The proposal would still retain active frontages where appropriate and it is considered likely that the proposals would enhance the shopper and visitor experience. The overall mix of uses within the development as a result of this application would be appropriate to this sustainable town centre location in accordance with the NPPF and would contribute to the continued regeneration of the town centre.

### **RESIDENTIAL AMENITY**

19. In addition to ensuring that developments are designed to be visually attractive Para 130 of the NPPF advises that planning decisions should ensure that developments:-

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*

20. Policy L7.3 of the Trafford Core Strategy states that development must not prejudice the amenity of occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way. L7 is considered to be up to date for decision making purposes and full weight can be attached to it.

21. The approved siting, scale and massing of the development remains unchanged. It is only the proposed uses that would be amended by the current application. The uses proposed are already permitted within the development and no new use classes are being introduced. The application only seeks to increase the flexibility of the uses allowed for each of the four affected units.

22. There are commercial properties opposite the proposed development to the northeast and southwest and the Interchange is located across Stamford New Road to the southeast. The nearest residential properties to the application site are on Stamford Street, Kingsway and Police Street to the northwest and north of the application site. No residential units are proposed within the development.

23. It is noted that one comment has been received from a local resident stating that bars/restaurants/other amusement facilities in the development should close at a reasonable time especially during week days, so as not to cause noise disturbance to people living in the area. All of the uses proposed as part of this application can often be found in town centre locations and have already been approved as part of the current extant permission in certain areas of the development with previously approved hours of operation and servicing. The Pollution and Housing section have

stated that there are no objections to the proposals in principle subject to adherence to previously approved conditions relating to noise levels, amplified music, hours of operation and servicing, noise management and mitigation and means of extraction and filtration. These conditions are all included accordingly.

## Conclusion

24. The footprint, massing and height of the development remains unchanged and it is considered that the changes proposed would have a negligible impact on the amenities of the nearest residential properties in the vicinity when compared to the existing approval. Therefore given the separation from the nearest residential properties and subject to compliance with previously approved conditions relating to noise management, hours of operation and noise levels, it is considered that the amenity impacts would be appropriately mitigated and that the proposal would be compliant with Policies L5 and L7 of the Trafford Core Strategy and the NPPF.

## **HIGHWAYS, PARKING AND SERVICING**

25. Policy L4 of the Trafford Core Strategy states that *“when considering proposals for new development that individually or cumulatively will have a material impact on the functioning of the Strategic Road Network and the Primary and Local Highway Authority Network, the Council will seek to ensure that the safety and free flow of traffic is not prejudiced or compromised by that development in a significant adverse way”*.
26. Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*. Given the more stringent test for the residual cumulative impacts on the road network set by the NPPF, it is considered that Core Strategy Policy L4 should be considered to be out of date for the purposes of decision making.
27. Core Strategy Policy L7 states: In relation to matters of functionality, development must incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety; and provide sufficient off-street car and cycle parking, manoeuvring and operational space.
28. The LHA have been consulted and have commented that the proposed development is located in the heart of Altrincham town centre, with easy access to excellent public transport links and local services including public car parks and on street parking spaces. It is considered that the proposals would not have an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network be severe (with reference to Paragraph 111 of the NPPF). Therefore subject to the other previously approved elements of the scheme such as cycle parking provision and servicing arrangements, remaining unchanged there is no objection to the proposals.

## Conclusion on Highways Issues

29. The LHA have confirmed that they have no objections to the proposed amendments and it is considered that the development would not result in any unacceptable impact on highway safety or amenity and that the development is therefore compliant with the requirements of Core Strategy Policies L4 and L7 and the NPPF.

## **EQUALITIES**

30. The Equality Act became law in 2010. Its purpose is to legally protect people from discrimination in the workplace and in wider society. The Act introduced the term 'protected characteristics', which refers to groups that are protected under the Act. These characteristics comprise: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

31. As part of the Act, the 'public sector equality duty' came into force in April 2011 (Section 149 of the Act), and with it confirmed (via Section 19 of the Act) that this duty applies to local authorities (as well as other public bodies). The equality duty comprises three main aims: A public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

32. Case law has established that appropriate consideration of equality issues is a requirement for local authorities in the determination of planning applications, and with this requirement directly stemming from the Equality Act 2010.

33. The agent for the application has provided written confirmation that the proposed changes to the plans do not alter the principles of the originally approved scheme in relation to equalities issues. The measures in place to provide a facility accessible to all, including those with a protected characteristic, are therefore still considered to be, on balance, an appropriate, practical and reasonable response to the equalities impacts of the scheme.

## **DEVELOPER CONTRIBUTIONS**

34. This proposal is subject to the Community Infrastructure Levy (CIL) and comes under the categories of 'offices' and 'all other' development, consequently the



development will be liable to a CIL charge rate of £0 per square metre in line with Trafford's CIL charging schedule and revised SPD1: Planning Obligations (2014).

35. In accordance with Policy L8 of the Trafford Core Strategy and revised SPD1: Planning Obligations (2014) it is necessary to provide an element of specific green infrastructure. The proposed landscaping comprising green walls, trees and container planting and is secured via landscaping conditions.

## **PLANNING BALANCE AND CONCLUSION**

36. Paragraph 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

37. The application proposes minor internal changes to floor layouts and to increase the flexibility of the uses permitted for each of the four units. No new use classes are being introduced and overall the changes would not fundamentally change the development as previously approved and would not result in any adverse impact in relation to the town centre or residential amenity subject to appropriate conditions. No new adverse impacts have been identified. As a result, the consideration of and conclusions reached on the planning balance under previous applications, that the numerous, significant public benefits identified in the original application assessment outweigh any harm, is unchanged.

38. As the planning balance remains unchanged from previous approvals and the proposal complies with the development plan as a whole, it is concluded that planning permission should be granted. There are no material considerations, either in the NPPF or otherwise which would suggest a different decision should be reached and although PfE is now a significant material consideration in the determination of planning applications, it is not considered that the PfE policies would affect the planning balance or have any significant implications for this decision. The application is therefore recommended for approval.

39. Given that permission granted under section 73 takes effect as a new, independent permission, to carry out the same development as previously permitted subject to new or amended conditions, decision notices for the grant of such permissions are required to set out all the conditions required to be imposed on the new permission, and restate any conditions imposed on the original consent that continue to have effect. A section 73 application cannot be used to vary the time limit for implementation, however as work has commenced on site a new time limit condition is not considered necessary.

40. The approved plans condition will need to be updated to reflect the proposed changes to the lower ground and ground floor plans and as a consequence the plan revision number will also need to be updated in conditions 5, 22 and 24 which reference the lower ground floor plan. In addition, since the previous approval, a

number of conditions have been discharged as set out under the 'Planning History' section of this report and the relevant conditions have been amended to reflect this.

**RECOMMENDATION: GRANT subject to the following conditions**

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following submitted plans:

Location Plan - Ownership & Project Boundary ZZ-XX-DR-A-00-001 P03

Redline plan ZZ-XX-DR-A-00-002 P02

Site plan ZZ-XX-DR-A-00-003 P02

Proposed - Gross Internal Areas ZZ-XX-DR-A-05-102 P12

Extension Curtain Walling Study ZZ-XX-DR-A-20-400 P01

Proposed - Rackham's Lower Ground Floor ZZ-00-DR-A-20-101 P35

Proposed - Rackham's Ground Floor ZZ-01-DR-A-20-101 P38

Proposed - Rackham's First Floor ZZ-02-DR-A-20-101 P27

Proposed - Rackham's Second Floor ZZ-03-DR-A-20-101 P26

Proposed - Rackham's Third Floor ZZ-04-DR-A-20-101 P21

Proposed - Rackham's Plant Level ZZ-05-DR-A-20-101 P21

Proposed - Rackham's Roof Level ZZ-06-DR-A-20-101 P15

Proposed - Sections ZZ-XX-DR-A-20-201 P03

Proposed - North & South Elevations ZZ-XX-DR-A-20-302 P11

Proposed - East & West Elevations ZZ-XX-DR-A-20-303 P10

Facade Study - South ZZ-XX-DR-A-20-351 P06

Facade Study - North ZZ-XX-DR-A-20-352 P07

Facade Study - East ZZ-XX-DR-A-20-353 P06

Facade Study - West ZZ-XX-DR-A-20-354 P05

Planting Schedule Stage 3 2422-EX-001-01 02

Clearance Plan 2422-PLA-GF-XX-DR-L-0001 P02

Landscape General Arrangement 2422-PLA-GF-XX-DR-L-1000 P02

Hardworks Plan 2422-PLA-GF-XX-DR-L-1001 P02

Kerbs & Edges Plan 2422-PLA-GF-XX-DR-L-1002 P02

Levels Plan 2422-PLA-GF-XX-DR-L-1003 P02

Site Sections 2422-PLA-GF-XX-DR-L-2000 P02

Softworks Plan 2422-PLA-GF-XX-DR-L-3000 P02

Furniture Plan 2422-PLA-GF-XX-DR-L-4000 P02

Clearance Plan 2422-PLA-LGF-XX-DR-L-0001 P02

Landscape General Arrangement 2422-PLA-LGF-XX-DR-L-1000 P02

Hardworks Plan 2422-PLA-LGF-XX-DR-L-1001 P02

Kerbs & Edges Plan 2422-PLA-LGF-XX-DR-L-1002 P02

Levels Plan 2422-PLA-LGF-XX-DR-L-1003 P02

Site Sections 2422-PLA-LGF-XX-DR-L-2000 P02

Softworks Plan 2422-PLA-LGF-XX-DR-L-3000 P02

Furniture Plan 2422-PLA-LGF-XX-DR-L-4000 P02

Landscape General Arrangement 2422-PLA-XX-XX-DR-L-1004 P02

Hardworks Details 2422-PLA-XX-XX-DR-L-5000 P02  
Softworks Details 2422-PLA-XX-XX-DR-L-6000- P02

Reason: To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy.

2. Development shall be carried out in full accordance with the materials to be used externally on all parts of the building, approved under condition discharge reference 109600/CND/22

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity having regard to Policy L7 of the Trafford Core Strategy and the requirements of the National Planning Policy Framework.

3. Development shall be carried out in accordance with the façade schedule details for all elevations of the building, as approved under condition discharge reference 110777/CND/23

Reason: In the interests of visual amenity and in protecting the original design intent and quality of the proposed development, having regard to Core Strategy Policies L7 and R1 and the National Planning Policy Framework

4. The units hereby approved shall be used as Class E(a) (shops), Class E(b) (restaurants and cafes) and Class E(c) (financial and professional) and Class E(g)(i) 'Offices to carry out any operational or administrative functions' as per the approved floorplans and floorspace schedules and for no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In the interests of the vitality and viability of the town centre and to ensure that the local planning authority can apply an appropriate level of control over the future use of the units, having regard to Policies W2 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

5. The unit shaded in blue with a floor area of circa 1177m<sup>2</sup> on plan ref. RA-BDP-ZZ-00-DR-A-20-101 P35 'Proposed Rackhams Lower Ground Floor' is permitted for use as Class E(a) (shops), Class E(b) (restaurants and cafes) or a bowling alley with ancillary uses comprising a bar, restaurant, amusement centre and any other leisure or entertainment uses within Use Class E(d) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, including but not limited to pool, arcade games and mini golf (sui generis use).

Reason: In the interests of the vitality and viability of the town centre and to ensure that the local planning authority can apply an appropriate level of control over the future use of the units, having regard to Policies W2 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

6. a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include a full specification for the installation of:-
- Green walls - to include manufacturer, installation details and species and density of planting;
  - Trees planted at podium level - to include species and size of trees, details of containers (method of fixing to the floor, drainage), guying details of trees
  - Pavement trees - to include species and size of tree, details of the raft system including manufacturer, area, soil rooting volume and a plan showing the location of the tree pits and raft system, overlaid with utility drawings to demonstrate that they can be successful installed
  - Details of all other areas of hard surfaced and soft landscaping including materials, any fixed seating, tables and planters, planting plans, specifications and schedules (including planting size, species and numbers/densities)

and a scheme for the timing / phasing of implementation works.

b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location, the nature of the proposed development and having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

7. The development hereby approved shall not be occupied until a schedule of landscape maintenance for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: To ensure that the site is satisfactorily landscaped having regard to its design, location, the nature of the proposed development and having regard to Policies L7, R2 and R3 of the Trafford Core Strategy and the National Planning Policy Framework.

8. The development hereby permitted shall not be brought into use until the means of access and the areas for the movement, loading and unloading of vehicles have been provided, constructed and surfaced in complete accordance with the plans hereby approved.

Reason. To ensure that satisfactory provision is made within the site for the accommodation of vehicles attracted to or generated by the proposed development, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

9. On or before the first occupation of the development, the Travel Plan approved under condition discharge ref. 110256/CND/23 shall be implemented and thereafter shall continue to be implemented throughout a period of ten years commencing on the date of this first occupation.

Reason: To reduce car travel to and from the site in the interests of sustainability and highway safety, having regard to Policies L4 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

10. The scheme for the relocation of accessible car parking spaces and parent and child parking spaces to be lost as a result of the development hereby approved shall be in accordance with the details on drawing ref. RA-BDP-ZZ-XX-SK-A-20-009 revision P07 as approved under condition discharge application ref. 109448/CND/22. The relocated accessible and parent and child parking spaces shall be implemented in accordance with the approved details before the existing accessible and parent and child spaces to be lost as a result of this development are removed from public use and shall be retained at all times thereafter.

Reason: To ensure that satisfactory accessible parking and parent and child parking provision is retained, having regard to Policies L4 and L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 3: Parking Standards and Design and the National Planning Policy Framework.

11. Notwithstanding the details shown on the approved plans the development hereby permitted shall not be brought into use until details of the proposed secure cycle parking and storage for the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall be retained at all times thereafter.

Reason: To ensure that satisfactory cycle parking provision is made in the interests of promoting sustainable development, having regard to Policies L4 and L7 of the Trafford Core Strategy, the Council's adopted Supplementary Planning Document 3: Parking Standards and Design and the National Planning Policy Framework.

12. All works of demolition or construction shall be carried out in full accordance with the details contained within the Environmental Management Plan (EMP) Issue 02 by Cubic Works submitted on 13th December 2022 as approved under condition discharge ref. 109448/CND/22 and shall be adhered to throughout the demolition / construction period.

Reason: To minimise disturbance and nuisance to occupiers of nearby properties and users of the highway having regard to Policies L4, L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

13. The development hereby approved shall be designed and constructed in accordance with the recommendations contained within sections 3.3 of the submitted Crime Impact Statement Version B: 17/09/21 Reference: 2019/0387/CIS/02 and the physical security specifications set out in section 4 of that document. Prior to the development being brought into use, a verification report shall be submitted to and approved in writing by the Local Planning Authority which shall confirm that the above recommendations of the Crime Impact Statement have been implemented in full. Thereafter, the development shall be maintained in accordance with the approved details for the lifetime of the development.

Reason: In the interests of crime prevention and community safety, having regard to Core Strategy Policy L7 and the National Planning Policy Framework.

14. The scheme of Biodiversity Enhancement Measures set out in the Biodiversity Enhancement Measures document Ref. BOW17.1271 by Bowland Ecology, dated 3/10/22 as approved under condition discharge ref. 109448/CND/22 shall be implemented on site prior to first occupation and retained thereafter.

Reason: In order to enhance the biodiversity of the site and to mitigate any potential loss of habitat having regard to Policy R2 of the Trafford Core Strategy and the National Planning Policy Framework.

15. The waste management strategy for the site shall be carried out in accordance with the details approved under condition discharge reference 110256/CND/23 and shall be implemented for the lifetime of the development.

Reason: In the interests of residential amenity, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

16. The development shall be constructed in full accordance with the energy efficiency measures and any low/zero carbon technologies approved under condition discharge ref. 110256/CND/23. The approved measures shall be fully implemented prior to first occupation of the development and retained thereafter.

Reason: In the interests of achieving a reduction in carbon emissions, having regard to Policy L5 of the Trafford Core Strategy and the National Planning Policy Framework.

17. The noise rating level (LAeq,T) from any fixed mechanical or electrical plant and equipment, when operating simultaneously, shall not at any time exceed the LA90, T background noise level without such plant operating, when measured at the nearest noise sensitive premises. Noise measurements and assessments shall be carried out in accordance with BS 4142:2014+A1:2019 (or the prevailing guidance of the time).

Reason: In the interest of amenity and in compliance with Policy L7 and of the Trafford Core Strategy and the National Planning Policy Framework.

18. Servicing, deliveries or refuse collections to the development hereby approved shall not take place outside the hours of 07:00 and 21:00 hours on Mondays to Saturdays (including Bank Holidays). Deliveries only may take place on a Sunday between the hours of 08:00 and 16:00.

Reason: In the interests of residential amenity, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

19. The lighting provided in the scheme should be erected and directed so as to avoid nuisance to sensitive premises in close proximity, in accordance with the guidance contained in the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01:2020.

Reason: In the interests of visual amenity and having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

20. Notwithstanding any details shown on the approved plans, at least 8 weeks prior to the first occupation of each unit, a scheme showing details of the means of extraction and filtration of cooking odours, including details of the finish of any external flue(s), manufacturer's operating instructions and a programme of equipment servicing/maintenance to mitigate odour and noise impacts for the relevant unit, shall be submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full before the use hereby permitted first takes place and shall remain operational thereafter.

Reason: In order to ensure the efficient dispersal of cooking odours from the premises in the interests of amenity of neighbouring occupiers and to ensure that

any ventilation flues/ducting can be accommodated without detriment to character and appearance of the host building and the surrounding area having regard to Policies L5 and L7 of the Trafford Core Strategy and the National Planning Policy Framework.

21. The development shall be carried out and thereafter operated for the lifetime of the development in full accordance with the Noise Management Plan approved under condition discharge reference 110777/CND/23

Reason: In the interest of amenity and in compliance with Policy L7 and of the Trafford Core Strategy and the National Planning Policy Framework.

22. The premises hereby approved, which fall within the Use Classes E(a) (shops) and E(b) (restaurants and cafes), or the approved Use Class E(d) / sui generis use in the unit shaded in blue with a floor area of circa 1177m<sup>2</sup> on plan ref. RA-BDP-ZZ-00-DR-A-20-101 P35 'Proposed Rackhams Lower Ground Floor' shall not be open for trade or business outside the hours of 0700 - 0100 hours on any day.

Reason: In the interest of amenity and in compliance with Policy L7 and of the Trafford Core Strategy and the National Planning Policy Framework.

23. The flexible events spaces in the Stamford Square/George Street area shall not operate as an events space outside the hours of: 08:00 - 18:00 (Monday - Wednesday); 08:00 - 19:00 (Thursday - Saturday); and 10:00 - 16:00 (Sundays).

Reason: In the interest of amenity and in compliance with Policy L7 and of the Trafford Core Strategy and the National Planning Policy Framework.

24. No amplified music or other forms of amplified entertainment shall be permitted to any external part of the commercial premises which fall within the Use Classes E(a) (shops), Class E(b) (restaurants and cafes) or the approved Use Class E(d) / sui generis use in the unit shaded in blue with a floor area of circa 1177m<sup>2</sup> on plan ref. RA-BDP-ZZ-00-DR-A-20-101 P35 'Proposed Rackhams Lower Ground Floor'.

Reason: In the interest of amenity and in compliance with Policy L7 and of the Trafford Core Strategy and the National Planning Policy Framework.

25. The development shall be carried out and thereafter operated for the lifetime of the development in full accordance with the recommendations and conclusions of the Noise Impact Assessment and Technical Note approved under condition discharge reference 110905/CND/23.

Reason: In the interest of residential amenity and in compliance with Policy L7 and of the Trafford Core Strategy and the National Planning Policy Framework.

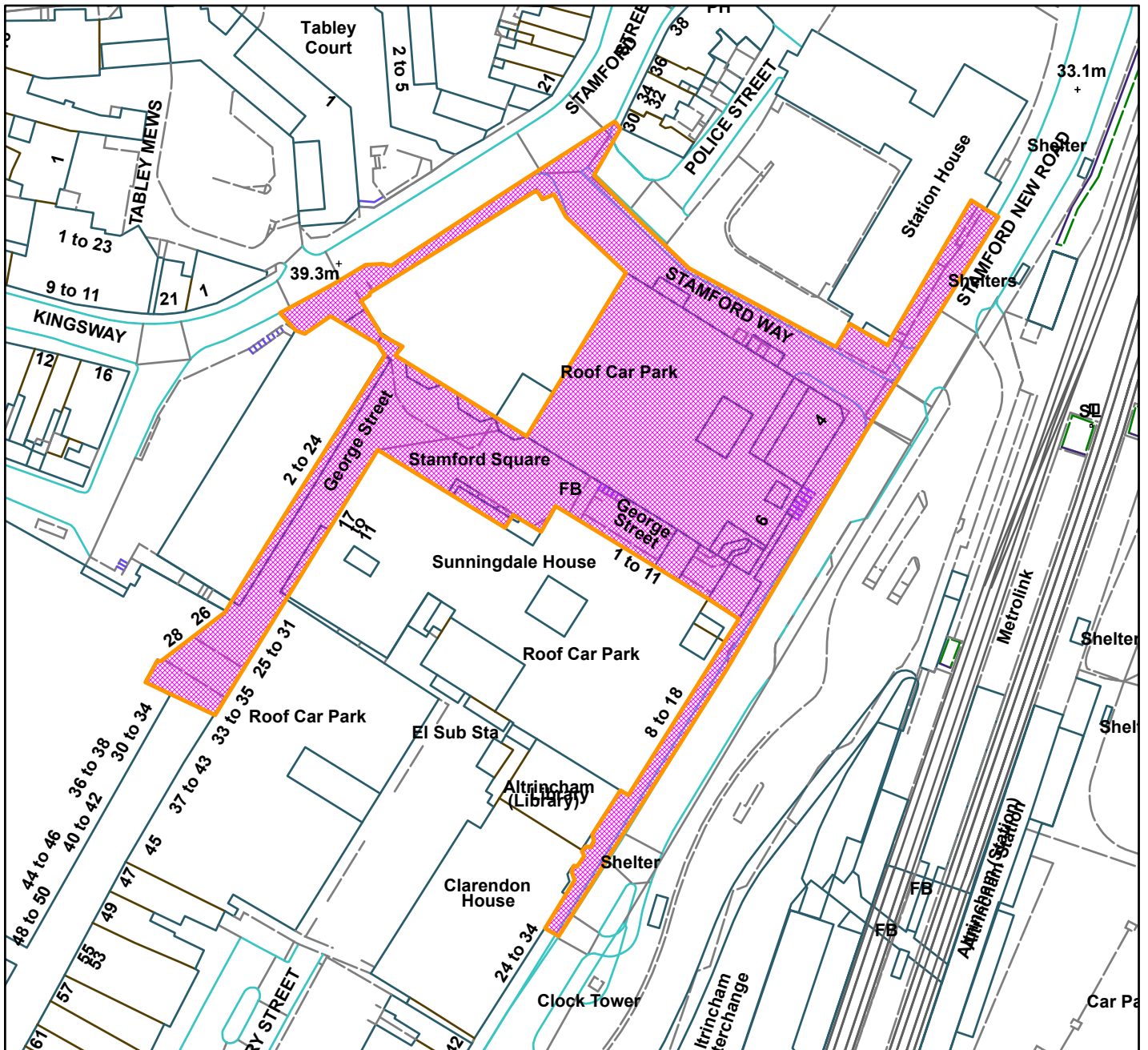
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JJ





2 George Street, Altrincham (site hatched on plan)



**Scale:** 1:1,250

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Organisation	Trafford Council
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Comments	Committee date 12/10/2023
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